

EXHIBIT B.13

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF NEW YORK
 3
 4 MARK I. SOKOLOW, et al.,
 5 Plaintiffs,
 6 v. Civil Action No.
 7 THE PALESTINE LIBERATION 04cv397(GBD)(RLE)
 8 ORGANIZATION, et al.,
 9 Defendants.

10 DEPOSITION OF PROF. EFRAIM KARSH

11 JERUSALEM, ISRAEL

12 OCTOBER 15, 2013

13 REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

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1 I N D E X

2 WITNESS

3 Prof. Efraim Karsh

4 EXAMINATION

5 By Mr. Wise

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9 D E F E N D A N T S' E X H I B I T S

10 NUMBER	11 DESCRIPTION	12 MARKED
13 Exhibit 281	Document Entitled "Expert Opinion," Dated March 20, 2013 (No Bates Number)	14
15 Exhibit 282	Curriculum Vitae of Efraim Karsh (No Bates Number)	15
17 Exhibit 283	Document Entitled "Publications" (No Bates Number)	19
19 Exhibit 284	Document Entitled "Directly Related" (No Bates Number)	19
21 Exhibit 285	Website Article, Forward.com, Entitled "Two Biographies Explore the Life of Yasser Arafat, but Neither Pierces the Darkness," Dated March 5, 2004 (No Bates Number)	27
23 Exhibit 286	Website Article, The Washington Post, Entitled "Loss, Leader; Two New Studies of the Palestinian Leader's Controversial Political Life," Dated January 4, 2004 (No Bates Number)	36

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1 Deposition of PROF. EFRAIM KARSH, taken in
 2 the above-entitled cause pending in the United States
 3 District Court, for the Southern District of New York,
 4 pursuant to notice, before BRENDA MATZOV, CA CSR 9243,
 5 at the American Colony Hotel, Executive Room, First
 6 Floor, Jerusalem, Israel, on Tuesday, the 15th day
 7 of October, 2013, at 9:05 a.m.

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13 Exhibit 291	Website Article, FBIS-NES-98-109, Entitled "West Bank: Arafat Interview on Al-Sharif, Peace, Iraq," Dated April 19, 1998 (No Bates Number)	87
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N O T T O A N S W E R			
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P R O C E E D I N G S			
PROF. EFRAIM KARSH,			
called as a witness, being first duly sworn, was examined and testified as hereinafter set forth.			
EXAMINATION			
BY MR. WISE:			
Q.	Good morning, Professor. Please state your name for the record.		
A.	Efraim Karsh.		
Q.	And what is your date of birth?		
A.	5th of September, 1953.		
Q.	Where do you live?		
A.	At the moment, Jerusalem, 18 Ahad Ha'am Street.		
Q.	And are you -- when you say "at the moment," do you have any other --		
A.	I mean, I came back to Israel in June.		
Q.	Okay. And what brought you back?		
A.	I'm a professor now, on top of my London job, at Bar-Ilan University. So --		
Q.	And what do you teach there?		
A.	Political science.		

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1 Q. How long have you worked there?
 2 A. I began yesterday.
 3 Q. And is this a permanent position?
 4 A. Yeah. Full professor.
 5 Q. Are you still teaching at King's College?
 6 A. Yeah.
 7 Q. And what is your -- what are you teaching
 8 there?
 9 A. Middle Eastern, Mediterranean studies.
 10 I established the program there.
 11 Q. Okay. Are you a citizen of Israel?
 12 A. Yeah.
 13 Q. Are you a citizen of any other country?
 14 A. The U.K.
 15 Q. How long have you been a citizen of Israel?
 16 A. Since my birth.
 17 Q. And what about the United Kingdom?
 18 A. '94, I think. 20 years.
 19 Q. Have you lived in Israel in the past?
 20 A. Yeah.
 21 Q. Okay. In what years?
 22 A. From my birth till '89.
 23 Q. '89?
 24 A. '89. Then I moved to London.
 25 Q. And you lived in London from '89 until then?

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1 Okay. You didn't consult translators --
 2 A. Sometimes.
 3 (Court reporter clarification.)
 4 Q. BY MR. WISE: Did you use translators for
 5 any of the materials that you referred to in your
 6 report?
 7 A. Sometimes.
 8 Q. And tell me the occasion where you would
 9 use a translator rather than rely on your own reading
 10 ability.
 11 A. Sometimes you don't have access to the
 12 original. Sometimes you have the translation.
 13 Q. Was there ever a time where you had an
 14 Arabic-language document but had to send it to
 15 a translator because you were unable to read the
 16 content yourself?
 17 A. No. And translation is official translating
 18 organizations, not personal translators. That's the
 19 way I understand your question.
 20 Q. You're saying, when you used a translator,
 21 it was an official translator?
 22 A. It's not a person. It's an organization
 23 like FBIS, the Foreign Broadcast Information Service,
 24 which is the CIA's, the classified material translating
 25 service, or Hatzav, the Israeli one, or MEMRI, this

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1 A. Until now.
 2 Q. Have you ever lived in Finland?
 3 A. Yeah.
 4 Q. When did you live there?
 5 A. Excuse me?
 6 Q. When did you live in Finland?
 7 A. On and off since '99.
 8 Q. And were you working in Finland at the time?
 9 A. No.
 10 Q. What brought you to Finland?
 11 A. Family.
 12 Q. You were a native Hebrew speaker?
 13 A. Yeah.
 14 Q. In your report, you write that you have
 15 a high level of fluency in literary Arabic; correct?
 16 A. Uh-huh.
 17 Q. What is your definition of "high level"?
 18 A. I can read fluently, write to an extent.
 19 I have a BA in Arabic literature and language.
 20 Q. In your report, you cite to a number of
 21 Arabic newspaper articles?
 22 A. Uh-huh.
 23 Q. Were you able to read those --
 24 A. Yeah, of course.
 25 Q. -- yourself?

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1 kind of thing.
 2 Q. Okay. You note in your report that you have
 3 a partial fluency in spoken Arabic; correct?
 4 A. Uh-huh.
 5 Q. Can you tell me what you mean by "partial
 6 fluency"?
 7 A. I can speak, but I haven't practiced it.
 8 And the spoken Arabic is very different from the
 9 literal Arabic. It's like one and a half different
 10 languages.
 11 MR. HORTON: Just a moment.
 12 For the benefit of the court reporter,
 13 a couple of times you've responded to a question
 14 by saying something like "hmm."
 15 THE WITNESS: Okay.
 16 MR. HORTON: It's very hard for her to
 17 take that down. If it's a yes, please say "yes,"
 18 so that she'll know what you're saying.
 19 THE WITNESS: That's the British way.
 20 MR. HORTON: Yes.
 21 Q. BY MR. WISE: In your report, you cite
 22 to some Arabic-language news broadcasts or radio
 23 broadcasts.
 24 Were you able to listen to those Arabic
 25 broadcasts yourself and understand them, or did you

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1 have to use translators for those broadcasts?

2 A. Mostly translators. Again, "translator" --

3 you mean translating services. Never private

4 translators. I never used private translators

5 in my work ever.

6 Q. Okay. At this point, I'm just trying to

7 get a sense for how proficient your Arabic is. And

8 we'll talk later about the sources of translation.

9 But were there times, in the preparation

10 of your report, where you listened to, for example,

11 an Arabic radio broadcast and couldn't understand

12 the content, so then had to send it to a translator?

13 A. I never sent anything to a translator.

14 Q. Okay. So when you say that sometimes you

15 used translators, do you mean that --

16 A. I didn't say "translator." I said

17 "translating agency," like FBIS, MEMRI, Hatzav. These

18 are organizations that produce translations of media

19 press on a daily basis for media services all over

20 the world. And they have a Middle East section.

21 Q. And what you are saying is that in that --

22 in those situations, you received the source document

23 in English after it had been translated?

24 A. Yes.

25 Q. Okay. Did you refer to MEMRI as an official

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1 very first paragraph, you summarize your opinion,

2 namely, that the PA and PLO were responsible:

3 "For the planning, initiation, execution,

4 and management of the terrorist offensive known

5 as the 'Al-Aqsa Intifada' and for the terrorist

6 attacks against Israeli and Jewish targets within

7 this framework."

8 Right?

9 A. Yes.

10 Q. The Al-Aqsa Intifada occurred between 2000

11 and 2004; is that right?

12 A. Depends how you define it. But the time

13 frame seems sensible.

14 Q. Would you define it some other way?

15 A. We know when it started. The question is

16 it never ended officially. So it depends when you

17 consider the elimination of terror attacks as the end

18 of the Intifada.

19 Q. In your opinion, is the Intifada still going

20 on?

21 A. No.

22 Q. When would you say that it ended?

23 A. Around the time that you said. But --

24 Q. Okay.

25 (Defendants' Exhibit 282 marked.)

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1 translation service?

2 A. Not an official. It's an NGO.

3 Q. Okay.

4 A. FBIS is official.

5 (Defendants' Exhibit 281 marked.)

6 Q. BY MR. WISE: I'm going to show you what

7 we have marked as Exhibit 281.

8 Do you recognize that document?

9 A. (Examining.) Yeah.

10 Q. And what is it?

11 A. That's my report as far as I can see.

12 Q. Take a look at the last page, page 41.

13 Is that your signature?

14 A. Yes.

15 Q. Do you remember when you signed it?

16 A. Not exactly.

17 Q. Okay.

18 A. At the time that the report was submitted.

19 Q. Okay. What portions of that report did you

20 yourself write?

21 A. Everything.

22 Q. Were any portions written by anyone other

23 than you?

24 A. No.

25 Q. The first page of your opinion, on the

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1 Q. BY MR. WISE: Professor, I'm handing you

2 282.

3 Do you recognize that as your curriculum

4 vitae?

5 A. (Examining.) Yes.

6 Q. Can you tell me whether that is a up-to-date

7 version of that document?

8 A. I wouldn't say so. No.

9 Q. Okay. What is out of date?

10 A. Okay. I had a short stint as director of

11 the Middle East Forum in Philadelphia in 2011 up to

12 summer 2012.

13 Q. What was your position there?

14 A. Sorry?

15 Q. What was your position at the Middle East

16 Forum?

17 A. At the time?

18 Q. Yes.

19 A. I was director.

20 Q. Okay. And you said from when until when?

21 A. From June 11 to August 12.

22 Q. And what caused you to leave that position

23 as director?

24 A. I didn't like it. I didn't agree with my

25 superior. And my daughter didn't like the United

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1 States.
2 Q. Was your superior Daniel Pipes?
3 A. Uh-huh. Yes.
4 Q. And was your disagreement with him a personal
5 disagreement or a professional disagreement?
6 A. Both.
7 Q. Tell me about the professional disagreement
8 that you had.
9 A. Okay. Everything, I guess, is written. But
10 the point is: When I left, so we agreed that basically
11 we don't divulge details of how -- this agreement. But
12 all and all, let's put it that he's far more, quote,
13 unquote, "conservative" than I am.
14 Q. Did you find that, in your work at the Middle
15 East Forum as the director, he forced you to take
16 positions that you did not agree with?
17 A. I never take a professional position that
18 I don't agree with. But I could not take the forum
19 to the direction I wanted.
20 Q. You did a fair amount of writing when you
21 were with the Middle East Forum; correct?
22 A. Not really. A few op-eds, a couple of
23 articles. But my last book was written -- which
24 I consider the most important things, books -- was
25 written before I joined. So --

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1 Q. Did any of the writing that you did at the
2 Middle East Forum reflect views that you no longer
3 hold as a result of your relationship with Mr. Pipes?
4 A. I wouldn't assume so. But I have to see
5 everything. But I don't think so. No.
6 Q. Okay. Other than the Middle East Forum --
7 A. I mean, my articles are my opinion. I never
8 consulted him what to write.
9 Q. Okay.
10 A. I write what I think I should write.
11 Q. You are -- so you're no longer the director.
12 But are you still affiliated with the Middle
13 East Forum?
14 A. I edit their journal, the Middle East
15 Quarterly, which I edited since 2010.
16 Q. And what does that entail?
17 A. Middle East Quarterly is a scholarly journal,
18 a refereed scholarly journal. So you commission
19 articles from academic practitioners, other people --
20 journalists, other people you think have something
21 to say. You send it through the referral process as
22 our academic journals, and then you publish. And you
23 edit it, of course.
24 Q. And that is still a position that you hold
25 with Middle East Forum?

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1 A. Yeah.
2 (Defendants' Exhibit 283 marked.)
3 Q. BY MR. WISE: I'm going to show you what
4 has been marked as 283.
5 A. (Examining.) Yeah.
6 Q. Do you recognize that as a list of your
7 publications?
8 A. Yeah.
9 Q. And have there been any additions or updates
10 to that list since you provided it?
11 A. Yes. There are a few articles, a few
12 scholarly articles. And about op-eds, I'm not
13 sure about them. Maybe one or two, but not many.
14 Q. Does anything that does not appear on that
15 list have to do with whether the PA and PLO were
16 responsible for the planning, initiation, execution --
17 A. No.
18 Q. -- and management of the Al-Aqsa Intifada?
19 A. No.
20 (Defendants' Exhibit 284 marked.)
21 Q. BY MR. WISE: I'm going to hand you 284, which
22 I understand to be a list of your books and publications
23 that you prepared that are directly related to your
24 expert report in this matter.
25 Is that correct?

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1 A. (Examining.) Yes.
2 Q. Okay. And on pages 1 and 2 are a list under
3 a heading "Directly Related."
4 Does that mean that these --
5 A. Indirectly, you mean?
6 Q. No. I'm sorry. On page 1 and 2 --
7 A. Aah, yeah.
8 Q. -- there is a list of publications and books
9 under "Directly Related."
10 Does that mean that these books and articles
11 are directly related to the issue of whether the PA
12 and PLO were responsible for the planning, initiation,
13 execution, and management of the Al-Aqsa Intifada?
14 A. They are directly related to the Intifada
15 and the reasons of its outbreak. I mean, when I wrote
16 this article, obviously I didn't write it with this
17 case in mind. But they are directly related to this
18 case.
19 Q. Okay. And did you prepare this list?
20 A. Yeah.
21 Q. When you then list, starting on page 2,
22 "Indirectly Related" --
23 A. Uh-huh. Yeah.
24 Q. -- what was your definition of "Indirectly
25 Related" when you placed these items onto the list?

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1 A. They don't deal with the so-called Intifada
 2 or the PA and the PLO activities during these years.
 3 But they give you background that helps you understand
 4 why these things happened.
 5 Q. And is this list on 284 up-to-date as you
 6 sit here today?
 7 A. I think so.
 8 Q. And I'm especially focused, I guess, on the
 9 "Directly Related" category.
 10 A. Yeah.
 11 Q. And the answer was you think it is?
 12 A. I think it is.
 13 Q. One of the -- one of the books that is listed
 14 is a book you wrote called:
 15 "Arafat's War: The Man and His Battle for
 16 Israeli Conquest."
 17 Correct?
 18 A. Yes.
 19 Q. It's actually the top book on the "Directly
 20 Related" list; correct?
 21 A. Yes.
 22 Q. Okay. And your report, in this case, is
 23 pulled almost directly from that book; correct?
 24 A. It draws on this book. Yes.
 25 Q. Okay. Is it fair to say that every citation

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1 checked.
 2 Q. In April of 2004?
 3 A. It was published in Hebrew, and I did the
 4 translation.
 5 Q. Okay.
 6 A. So while doing the translation, obviously,
 7 I checked the sources. But, again, if I use a certain
 8 source in a certain year and I read a document and I
 9 do the summary, there is no reason for me to go back
 10 and check it all over again.
 11 Q. So the answer is, in 2013, when you wrote
 12 your report for this case, if you were using a citation
 13 that came from your book, you did not go back to the
 14 source materials to reconfirm its accuracy?
 15 A. Unless I had, in very specific cases,
 16 a reason to think that something might have changed.
 17 But no.
 18 Q. Do you recall, as you sit here today, any
 19 circumstance where you had reason to believe something
 20 had changed and went back to check a source?
 21 A. I cannot recall.
 22 Q. I'm sorry?
 23 A. I cannot recall, yeah.
 24 Q. Are you familiar with the concept of peer
 25 review?

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1 in your report, except for one, comes from your book?
 2 A. Could well be.
 3 Q. And as you wrote the report in this case,
 4 I take it that you drew heavily on what you had --
 5 the work you had done to write your book; correct?
 6 A. Yes.
 7 Q. Did you update any of the text from the
 8 book as you wrote your report?
 9 A. Yes, to an extent here and there. But --
 10 Q. Would you agree with me that, in the
 11 citation -- the footnote citations in your report,
 12 there's only one document that is dated after 2004?
 13 A. I have to look. But I trust you checked it.
 14 Q. When you wrote your report, did you go back
 15 to check the validity of the sources that you had
 16 cited in your book?
 17 A. What do you mean "validity"?
 18 Q. Okay. Well, I mean, when you -- you wrote
 19 your book; correct?
 20 A. Yes.
 21 Q. And that was published in what year?
 22 A. 2003 or something. 2003, yeah.
 23 Q. Assume that you were --
 24 A. Hebrew edition, two-oh-four. So already
 25 then I went through the materials and verified and

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1 A. Of course. I just mentioned to you that
 2 Middle East Quarterly is a peer-reviewed article --
 3 Q. Okay.
 4 A. -- journal.
 5 Q. Was your book -- was "Arafat's War," was
 6 that book peer-reviewed?
 7 A. It was peer-reviewed, but not officially.
 8 Q. What does that mean?
 9 A. It was published by a trade publisher,
 10 something that most academics dream of doing but
 11 never do or almost never, a small percentage of them.
 12 So they don't do the peer review. But I passed it
 13 through peer review of colleagues who know about the
 14 subject.
 15 Q. And who did you pass the book through before
 16 it was published?
 17 A. Various academics.
 18 Q. Can you name any of them for me?
 19 A. Parts of it that are relevant, you know,
 20 I could. But people like Avraham Sela of the Hebrew
 21 University. Don't remember many that I can remember
 22 or --
 23 Q. Did you pass it through for peer -- for
 24 informal -- informal peer review to any Palestinian
 25 academics?

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1 A. No.
 2 Q. What about Americans or Europeans?
 3 A. I cannot recall now. But if we need it
 4 at a later stage, I'll get you names.
 5 Q. Okay.
 6 A. Peer review, the idea is, of course, that
 7 it's anonymous. The idea of peer review is anonymity.
 8 So you don't know who are the reviewers normally. So
 9 your question, of course, undermines the entire notion
 10 of peer review.
 11 Q. But this book, "Arafat's War," was not
 12 subjected to an anonymous peer review?
 13 A. Not by the publisher. No.
 14 Q. Was it by you?
 15 A. No. I normally, when I write, if I think
 16 that I can get some sound advice by some colleagues,
 17 I ask them.
 18 Q. Okay. And you did that in this situation?
 19 A. I do it always to an extent that I think
 20 I need it.
 21 Q. But you were the one that sent it to them;
 22 correct?
 23 A. Yeah. So it wasn't subjected to official
 24 peer review. We can go back to that.
 25 Q. Who is Yossi Alpher?

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1 because he had a different view of reality. But as
 2 I said before, he's not an academic. He never wrote
 3 scholarly articles, let alone peer-reviewed articles.
 4 So I don't think you can take his judgment --
 5 Q. I'm going to show you --
 6 A. -- seriously.
 7 (Defendants' Exhibit 285 marked.)
 8 Q. BY MR. WISE: I'm going to show you what I'm
 9 going to mark as 285.
 10 Do you recognize 285 as the review of your
 11 book that you read written by Mr. Alpher?
 12 A. (Examining.) What do you mean "recognize"?
 13 I didn't see it before in this form. So it's written.
 14 Q. Where did you -- what form did you see it in?
 15 A. I think some colleague sent me, you know.
 16 Q. And did you read it?
 17 A. I read what I got. Yeah.
 18 Q. Do you recognize what I've put in front of
 19 you as the same words that you read when your colleagues
 20 sent it to you?
 21 A. You don't expect me to recognize the same
 22 words after ten years of some review that I read by
 23 passing.
 24 Q. Okay. Well, then turn to page 2 and read
 25 with me at the third paragraph that starts "yet,"

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1 A. Yossi Alpher was a member of the Jaffa Center
 2 at the time that I was there in the late '80s.
 3 Q. Did you work with him?
 4 A. Yeah.
 5 Q. And what is your impression of his
 6 qualifications as it relates to the subject of your
 7 book?
 8 A. He's not a scholar.
 9 Q. What is he?
 10 A. He used to work for some time in the Mossad.
 11 And I'm not sure what he did there. He doesn't read
 12 Arabic. He never wrote a book or a deep article.
 13 He worked at the center at the time I think
 14 in some editorial capacity. Later he was for some time
 15 acting director when the founding director died, but
 16 never a director. So -- and later he became kind of
 17 a peace activist, established some website. But he's
 18 not a scholar. I wouldn't take his views as sound.
 19 Q. You are aware that he reviewed your book;
 20 correct?
 21 A. Yes.
 22 Q. And was quite critical of your methodology;
 23 correct?
 24 A. I read what he wrote. I'm not sure about
 25 the methodology. He didn't like what I had to say

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1 which reads:
 2 "Yet neither the Rubins nor Karsh bothered
 3 to interview Arafat himself - yes, access to him
 4 in Ramallah could have been arranged - or for that
 5 matter, any of his intimates and advisors. Indeed,
 6 no Palestinians are interviewed at all. Neither
 7 book cites recent scholarly works by highly qualified
 8 Palestinians like Khalil Shikaki" --
 9 S-h-i-k-a-k-i.
 10 A. Shikaki. Yeah.
 11 Q. -- "and Yezid" --
 12 A. Sayigh.
 13 Q. -- "Sayigh" --
 14 S-a-y-i-g-h.
 15 -- "both of whom have attempted to explain
 16 Arafat's strategic thinking (or lack thereof) and
 17 the socioeconomic and political underpinnings of
 18 the current conflict. While the Rubins' and Karsh's
 19 verbal demolition of Arafat is a foregone conclusion -
 20 it is indeed difficult to portray him as anything but
 21 deceitful and incapable of coming to terms with Israel's
 22 existence - the lack of nuance, depth, and balance in
 23 these books is disturbing. It is only compounded by
 24 lack of attention to fact, detail, and the correct
 25 spelling of names. None of the authors has anything

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1 critical to say about Israel's contribution to the
2 current mess. Karsh mentions neither the larger problem
3 of settlement expansion nor examples of Jewish extremism
4 such as Baruch Goldstein, who massacred 30 Palestinians
5 at prayer in Hebron in February 1994 - both key negative
6 turning points in the Oslo process (the Rubins devote
7 barely a page to them). Neither book offers anything
8 beyond the sketchiest analysis of the currents and
9 dynamics within the pre-Arafat Palestinian policy
10 that eventuated in Arafat's appearance on the scene."

11 Let me ask you first: Is Mr. Alpher's
12 critique that you did not interview Mr. Arafat himself
13 correct?

14 A. Yeah.

15 Q. Is his critique that you did not cite recent
16 scholarly works by high-level, qualified Palestinians
17 correct?

18 A. No.

19 Q. Did you cite those works in your book?

20 A. By the way, Shikaki is mentioned quite
21 a lot in the book. Even in the report, if you go
22 to the end of the report, you'll see that public
23 opinion polls taken by Shikaki are mentioned there,
24 half a dozen of them or so. That's what Shikaki does.
25 Shikaki is not a scholar. Shikaki is a pollster.

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1 peers, to his constituencies, of course to the West,
2 in a different language.

3 Q. When you say "primary source" or "secondary
4 source," what do you consider a primary source?

5 A. Okay. This is a good question.

6 A primary source for this kind of work that
7 you don't always -- but at times you have original
8 documentation, for example, like after the Israeli
9 operation in 2002 when they got hundreds of thousands
10 PLO and PA documents -- some of them were translated,
11 some of them were not, some of them were accessible,
12 some of them were exposed or declassified but stated --
13 this is the ultimate primary source.

14 But you don't always have it when you deal
15 with contemporary issues. So then you deal with
16 speeches, as I said, interviews, even though you
17 don't interview necessarily on your own. The media,
18 the press, especially non-democratic systems represent
19 the views of the regime. Like people used to read
20 the Soviet press at the time, all this Sovietology.
21 The same applies to Arab and Muslim and non-democratic
22 systems and so on and so forth. This is primary
23 sources.

24 Secondary sources is what people like myself
25 or like Yezid Sayigh or like Shikaki or like Alpher

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1 As for Yezid -- Yezid, I mean, we quote an
2 article in 1994 at the time that Yezid was an advisor
3 to the Palestinian delegation. So, obviously, I didn't
4 have to interview him. But I knew very well what he
5 was thinking. And the article is in the list here,
6 suggesting ways to make peace in the Middle East.

7 But, again, that's not relevant because Yezid
8 at the time that the quote, unquote, "Intifada" broke
9 was not associated with the Palestinian Authority.
10 And the book basically examines what the PLO, Arafat,
11 the PA, and other members of the Palestinian leadership
12 thought and said. The opinion of third parties is far
13 less important.

14 Q. The opinion of third parties meaning --

15 A. It means scholars of this or that level.
16 I mean, this is what we teach our students from day
17 one in university. You have primary sources. You
18 have secondary sources. Alpher never worked on primary
19 sources. So for him what Yezid says is, as they say
20 in Hebrew, "a Bible from Sinai is the absolute truth."
21 But that's Yezid's view.

22 I rather go towards what Arafat says, what
23 Barghouti says, what other people say. And I don't
24 have to interview him for this matter because Arafat
25 was speaking his mind on countless opinions to his

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1 write. This is after all Alpher's view. That's his
2 opinion. He's entitled to it, however wrong it is.

3 Q. And in your view, when you review, for
4 example, a speech that has been edited and presented --
5 portions of which have been presented by something
6 like Palestinian Media Watch, but you don't see the
7 whole speech yourself, do you consider that a primary
8 source material?

9 A. I always, you know, try to get several
10 sources of the same or several translations, if you
11 cannot get the original. If I can get the original
12 that, of course, I do it on my own and that's fine,
13 even though, of course, people can always question
14 how people read things, how people translate things
15 or whatever.

16 But if I cannot get the original on my own
17 and I have, for example, like you say PMW, I try to
18 get others and see, like FBIS, like MEMRI or whatever.
19 And then you make and you see, so to the extent that
20 you can verify this is the primary source.

21 Q. But imagine a situation where you can't, all
22 you have is the clips from PMW, would --

23 A. So you take it with a pinch of salt.

24 Q. But would you consider that a primary source
25 in what you've described to me as your research?

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1 A. Yes. But not, you know, a complete and
2 100 percent verified.

3 Q. Because the context that is missing may
4 provide a different interpretation that you can't
5 evaluate; correct?

6 A. Correct.

7 Q. Okay. Read with me the fifth paragraph
8 where it says:

9 "Karsh's reputation was built in part on
10 his critique of the Israeli new historians, arguing
11 that Benny Morris and others allegedly abused source
12 material to implicate Israel in the expulsion of some
13 of the 1948 refugees. Accordingly, one would expect
14 Karsh to exercise great care in selecting and handling
15 his own sources. Instead, he indiscriminately cites
16 Israeli media sources - not all reliable or unbiased
17 politically. He quotes at length and with evident glee
18 from the shocking descriptions of Arafat contributed
19 by a Romanian intelligence chief who defected to the
20 West in 1978, Ion Pacepa, some of whose allegations
21 never checked out."

22 Let me ask you your reaction to Mr. Alpher's
23 suggestion that Israeli media sources, some are not
24 reliable or unbiased politically. Do you agree or
25 disagree with what he says?

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1 A. Where does it say it? I didn't see that
2 he said it.

3 Q. The third line:
4 "Instead, he indiscriminately cites
5 Israeli media sources - not all reliable or unbiased
6 politically."

7 Would you agree or disagree with that
8 statement?

9 A. That statement is wrong because the word
10 "indiscriminately" is completely out of place here.

11 Q. Okay. Let's, just for the purposes of this
12 question, read out the word "indiscriminately."

13 Tell me whether you agree that Israeli media
14 sources are not all reliable or unbiased politically.

15 A. The sources that are used are reliable
16 as such. I mean, it's the newspapers Ha'aretz.
17 Just by the fact that many of the views, the op-ed
18 that he expresses at the time, I disagree. But I
19 think factually it's highly reliable. The Jerusalem
20 Post, Ma'ariv, Yediot, the Israeli newspapers are, of
21 course, reliable. It doesn't mean that every single
22 item that they bring is correct or doesn't turn out
23 after some time to be mistaken. The same happens in
24 every democratic media outlet. The New York Times,
25 The Washington Post have the same problem.

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1 Q. The reference to Benny Morris was a reference
2 to critiques that were done of one of your books about
3 challenging Israeli history; correct?

4 A. Yes.

5 Q. And you actually wrote a piece about the
6 critics of that book, I think called something like
7 the "Unbearable Likeness of my Critics"; correct?

8 A. This article goes beyond this. It goes
9 to other aspects. When I went against the received
10 wisdom and I wrote groundbreaking books, obviously
11 the more limited academics couldn't take it. And
12 we had to debate. So it goes beyond the new historians.

13 But if you want the, quote, unquote, "new
14 historians," yes, I've been engaging in a prolonged
15 academic struggle with them. But it is -- yeah.

16 Q. And you penned a lengthy response to the
17 criticisms of that book; correct?

18 A. Sorry?

19 Q. You wrote a long response to your critics
20 about that book in particular?

21 A. Among other things. Among two things, yeah.

22 Q. I've not found a written response to the
23 critics of "Arafat's War."

24 Did you ever write such a response?

25 A. No.

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1 Q. Let me ask you if you know who Jonathan
2 Tepperman is?

3 A. Not really. But I believe I saw him in
4 certain reports written on your behalf.

5 Q. I'm sorry? Written in?

6 A. I think I saw the name in one of the reports
7 written on your behalf or that your side requested.

8 Q. Okay. Okay. Are you familiar with the
9 publication "Foreign Affairs"?

10 A. Yes.

11 Q. And if I were to tell you that Mr. Tepperman
12 was the managing editor of Foreign Affairs, would
13 that jog any memories of having heard of him?

14 A. When?

15 Q. Presently.

16 A. Presently?

17 Q. Yeah.

18 A. Uh-huh. Okay.

19 Q. I'm going to show you -- what are we at, two
20 eighty --

21 MR. HORTON: Six.

22 MR. WISE: -- six.

23 (Defendants' Exhibit 286 marked.)

24 Q. BY MR. WISE: I'm showing you 286, which
25 is a book review by Mr. Tepperman of your book.

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1 Have you seen this review?

2 A. (Examining.) No. Two-oh-four, yeah.

3 Q. It was written in January of 2004?

4 A. Correct.

5 Q. Can you turn with me to the second page.

6 The second paragraph from the bottom, Mr. Tepperman

7 writes:

8 "Unfortunately, neither book adds much

9 that's new. In fact, of the two, only the more

10 moderate and scholarly text - the Rubins' 'Yasser

11 Arafat' - contributes anything of interest to this

12 already crowded field. Karsh may be a respected

13 historian, but his book-length polemic feels rushed.

14 It's essentially assembled from secondary sources.

15 His thesis, that Arafat never intended to make peace

16 but merely saw Oslo as a tool in a 'phased strategy'

17 leading to Israel's ultimate destruction, is arguable.

18 But his strident tone - at one point he writes of

19 'Arafat's love affair with violence' and then compares

20 him to Hitler - not to mention his reliance on unfounded

21 speculation and rumor (including the allegation that

22 Arafat is gay, as though that were relevant) and his

23 unabashed contempt for the Israeli peace camp (he

24 condemns Shimon Peres and Yossi Beilin for trying

25 to 'sanitize' the PLO and accuses them of 'advocating

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1 peace through appeasement and self-abnegation') all

2 undermine Karsh's reliability."

3 You've not seen this review before?

4 A. No.

5 Q. Okay. So since you wrote your report,

6 I take it that you've been in contact with counsel

7 about trying to locate the various sources that you

8 cited to provide them to us.

9 Have you been involved in that process?

10 A. Yes.

11 Q. Okay. And are you aware that there are

12 some sources that you've cited in your report that

13 counsel has represented we just can't find?

14 A. I'm not sure, but yes.

15 Q. Okay. Can you explain to me how you

16 maintained your sources from the time that you wrote

17 your book to the time that you wrote your report?

18 A. What do you mean "maintained"?

19 Q. Let me put this a different way.

20 How is it that we can't find, in the fall

21 of 2013, sources that are cited as support for your

22 opinion?

23 A. Well, that probably goes back to my poor

24 salary and they need to change accommodation.

25 Look, since two-oh-four, I've written several

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1 other books. For each book, I do meticulous research.

2 I collect tens of thousands, if not more than this,

3 documents. It takes space. So what I normally do

4 after some time, I just disperse of them. I give

5 some of them to the library, and some of them are

6 just destroyed.

7 This is what I did with this book, as

8 I did unfortunately with other books. Because I

9 really had a wealth of documentation that should

10 have been maintained. So when I did this, obviously

11 I didn't think that some legal firm will come to me

12 eight or ten years later and say: Oh, do you still

13 have the document for this or that? So that's what

14 happened.

15 Q. You didn't discard any of the sources in

16 your report between the time you wrote the report

17 and now; correct?

18 A. Of course not. Many years before the report

19 was written.

20 Q. So if -- if there's a report -- if there --

21 excuse me.

22 If there's a document cited in your report

23 that counsel has represented you just can't find, it's

24 because you did not go back and look at that source in

25 2013 when you wrote this report; right?

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1 A. Yeah.

2 Q. Okay. You billed 45 hours for the preparation

3 of this report; is that right?

4 A. I don't remember. If you write it, so you

5 can see. Yeah.

6 MR. WISE: Sure. Can we mark this as 287?

7 THE WITNESS: Aah, that's the latest?

8 (Defendants' Exhibit 287 marked.)

9 Q. BY MR. WISE: I'm going to show you an

10 invoice dated 9 October, 2013, that's been marked

11 as 287.

12 A. (Examining.) Aah, yeah. Yeah.

13 Q. Did you say that was the latest invoice?

14 A. Yes.

15 Q. Okay. There are others besides this?

16 A. I don't remember. There may have been one.

17 I don't know.

18 Q. Okay. On this invoice, it reflects:

19 "To prepare Sokolow expert report 45 hours."

20 Correct?

21 A. I mean, obviously writing such a report

22 takes much more. But it prepares -- it prepares the --

23 the letter invoice of my activities over the past few

24 months, including discussions and meetings and so on

25 and so forth.

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1 Q. Okay. But you think you spent more than
2 45 hours writing the report and preparing?
3 A. The report, as you said, is originally based
4 on the book. The book formed the base for another paper
5 that I wrote that is in my publication list in page --
6 in Exhibit 283, page 2, Item 4. You'll see it's called:
7 "The Oslo War: Anatomy of Self-Delusion."
8 It was written in 2003.
9 Q. Okay.
10 A. It was based on the book. Now, what happened
11 is that the law firm basically used this report and
12 asked me to adjust it with the required adjustment
13 to this case.
14 Q. But this monograph, "The Oslo War: Anatomy
15 of Self-Delusion," how -- how similar to your report
16 in this case is that monograph?
17 A. It's very similar. There may be something
18 that was taken out of it that was not relevant to this
19 case.
20 Q. Okay. And that was written in 2003; is that
21 correct?
22 A. Yeah. It's based on the book.
23 Q. Will you turn with me to page 2 of your
24 report. And I'm looking particularly at letter B under
25 "General comments" --

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1 from wider studies on the subject that was expressed
2 in the book, which has much more issues that are
3 indirectly relevant but I didn't think are relevant
4 for this kind of report which, as you can see the
5 last sentence, has to be succinct and relatively short.
6 Q. BY MR. WISE: Okay. Let me ask it this
7 way.
8 Are there reasons or bases for your opinion
9 that are not included in your report?
10 A. Let's put it this way. For every proof or
11 piece of evidence that -- of a certain position, view,
12 or activity by Arafat or the Palestinian Authority,
13 I could bring ten more if I -- if need be.
14 So if we go back to -- to the last review
15 that you showed me by -- I forgot his name who it was --
16 The Washington Post. And he said that it's -- he stated
17 that Arafat never intended to make peace but saw Oslo
18 as a tool in a fair strategy.
19 I brought a certain amount of quotes by
20 Arafat. So if Arafat says it, I don't think it's really
21 arguable unless -- unless you treat Arafat as a dimwit
22 who doesn't know what he is talking and thinking. But
23 I could bring, obviously, if need be, far more evidence
24 of each of them. But for the purpose of this report,
25 I thought what's here would be sufficient.

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1 A. Yeah.
2 Q. -- where you write:
3 "This expert opinion" --
4 And then in bold.
5 -- "does not say nearly all there is to
6 say" --
7 And then back to regular text.
8 -- "about the scope of subjects which it
9 addresses" --
10 And then again in bold.
11 -- "and does not even purport to do so."
12 Do you see that?
13 A. Yes.
14 Q. Do I read that correctly to say, then, that
15 this report does not contain a complete statement of
16 your opinions on the subject?
17 MR. HORTON: Object to the form.
18 THE WITNESS: Sorry?
19 MR. HORTON: Go ahead and answer the question.
20 THE WITNESS: Yeah, yeah. I'm thinking what
21 he exactly means.
22 The report basically tries to answer one
23 question that is presented at the beginning about the
24 PA, PLO responsibility and management. And that's why
25 it's a bit narrower or significantly narrower at times

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1 Q. Okay. So I'm just trying to understand the
2 language that you wrote into your report.
3 By saying that your expert opinion does not
4 say nearly all there is to say, are you saying that
5 there are bases and reasons for your opinions that
6 are not included in your report?
7 A. No. There are much more evidence and facts
8 that can strengthen my case but are not included. They
9 are included, for example, in the book. And as you
10 said, there have been more documents coming to light
11 since the book was written that will strengthen my
12 positions further.
13 Q. But those are not cited in your report;
14 correct?
15 A. No.
16 Q. And when you say that "the sources mentioned
17 in the body of the expert opinion, which I personally
18 gathered, represent only a very small portion of the
19 sources on which my analyses and conclusions are based,"
20 how can I find out what those other sources are?
21 A. If you'll ask me to write -- to write the
22 report proving the fact, I'll be happy to providing
23 [sic] much more evidence.
24 Q. Well, you say in your report that you were
25 limited to keep it, quote:

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1 "In the evidentiary requirements of the
 2 plaintiffs as they were presented to me."
 3 Do you see that?
 4 A. Yeah.
 5 Q. Okay. Can you tell me what evidentiary
 6 requirements of the plaintiffs you're referring to
 7 in that sentence of your report?
 8 A. I don't remember exactly at the moment. But
 9 when I read the case, the -- the -- the suit that was
 10 brought against the PA and the PLO and the definition
 11 what happened and so on and so and I discussed with
 12 the lawyers basically how the report, in general,
 13 should look, then I decided that there are certain
 14 parts that should be reduced, for example, seeing that
 15 I was criticized in -- in this Washington Post review,
 16 my criticism of Israeli leadership at the time, Peres,
 17 Beilin, and so on and so forth.
 18 Definitely their behavior lay, to a certain
 19 extent, to the way that the PLO acted, felt, let's say,
 20 that they could proceed in certain courses of action
 21 with impunity. But I didn't find it that relevant
 22 to bring it here because here I focused more on the
 23 Palestinian side. So yes, there is more evidence to
 24 substantiate our case if a wider report will have to
 25 be written.

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1 Q. Okay. Related just to the instruction that
 2 you received that you referenced in your report, what
 3 subject areas were you told to omit from this report?
 4 A. I wasn't really told.
 5 MR. HORTON: Object to the form.
 6 You may go -- I have to object from time to
 7 time. You still have to answer.
 8 THE WITNESS: Which is all right. Yeah.
 9 I have to answer?
 10 MR. HORTON: Yes, you still have to answer.
 11 THE WITNESS: As I said, I wasn't asked to
 12 omit anything. I just formed my view on the basis of
 13 discussion and reading the -- the -- the case document
 14 that this is what's required of me.
 15 Q. BY MR. WISE: The sources that you
 16 reference as having been considered but not included
 17 in the report, can you list for me -- and you say
 18 there are many -- so list for me the five most
 19 important.
 20 A. I mean, this is a question that even a BA
 21 student will not ask. I mean --
 22 Q. I'm sorry. I didn't understand you.
 23 A. For -- for this kind of research, you have
 24 to write -- to read a huge amount of documents in
 25 order to produce one paragraph. And then you decide

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1 what source you -- you bring to -- to demonstrate this.
 2 So you can bring one, two, or three sources after you
 3 read 30 or 300.
 4 So, obviously, you don't expect me now eleven
 5 or twelve years later to say to you: Oh, I read this
 6 and this newspaper on this and this date and I decided
 7 to leave it out. That's not even a trick question.
 8 It's just not relevant.
 9 Q. How is it not relevant?
 10 A. Because, as I said, in order to write books
 11 of the kind of books on which this report is ultimately
 12 based, you have to read a huge amount of documentation,
 13 and you make use of a small number of the documentation
 14 that you read.
 15 And this is a -- some rule for any student.
 16 When you do a BA, you write a paper, you use ten
 17 sources. When you do an MA, you write a paper on the
 18 same topic, you use 100 sources. When you do a Ph.D.,
 19 you write a paper on the same topic, you use 1,000 or
 20 10,000 sources. And I'm at this level.
 21 So when I read for this book, I read hundreds
 22 and thousands of documents. And then I quote eventually
 23 two or three or four or five. And the rest, you know,
 24 were kept for a while and disappeared. But if they
 25 have to be reconstructed, there will be no problem.

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1 It will take time. It will be expensive. But it can
 2 be done.
 3 Q. Am I correct to assume that, when you cited
 4 two sources for a proposition in your book --
 5 A. Yeah.
 6 Q. -- those were what you considered to be the
 7 two strongest sources?
 8 A. The two most illustrative or the most
 9 accessible to the readers and so on and so forth.
 10 If sometimes, for example -- don't forget
 11 the book is written with a view to a Western audience.
 12 It's written in English. And my hope, of course, is
 13 that my fellow academics will read it, but the public
 14 will read it. And that's why it's published with a
 15 trade publisher.
 16 So let's say if I have two sources and one
 17 is in -- okay. If you don't have an alternative --
 18 I mean, the Arabic sources may be the most important.
 19 Because if you translate directly from it or you take
 20 it directly from a -- peer-reviewed documentation
 21 or for -- for Palestinian press or media, that's,
 22 of course, more important, so what Mr. Tepperman
 23 or Alpher said.
 24 But if you have a translation of these by
 25 MEMRI and if I could verify that the translation is

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1 reliable, then I put the translation so the reader
 2 can access it himself or herself and read it.
 3 So yes, again to your question, the document
 4 is most illustrative or judged more illustrative at
 5 the time, but at the same time, most accessible.
 6 Q. You've mentioned a couple of times the
 7 publisher of "Arafat's War."
 8 Did you attempt to publish this with an
 9 academic publishing house?
 10 A. No.
 11 Q. Why not?
 12 A. Because my view was that these kind of
 13 books should go to as wide an audience as possible.
 14 As I said before, the wet dream of every
 15 academic is to publish with trade publishers. And
 16 saying "trade publishers," I mean trade publishers who
 17 reach wide audiences. And if you have this opportunity,
 18 you are a very fortunate man. And I have been a very
 19 fortunate man. And I have been a very fortunate man
 20 over the past 20 years. So, obviously, when I can
 21 publish a book that I would like to have access to
 22 a wider audience, I'll do it.
 23 Q. The what dream? I'm sorry.
 24 A. The wet dream.
 25 Q. Take a look at your CV, which is 282.

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1 A. Yes.
 2 Q. It reflects that you received your Bachelor
 3 of Arts degree from the Hebrew University in modern
 4 history of the Middle East and Arabic language and
 5 culture.
 6 Is that correct?
 7 A. Yes.
 8 Q. Was your degree in Arabic language and
 9 culture or Arabic language and literature?
 10 A. Literature is the right -- the better
 11 correction. Yeah.
 12 Q. Okay. You received both your Master's
 13 and Ph.D. from Tel Aviv University; is that correct?
 14 A. Yes.
 15 Q. Both in international relations?
 16 A. Yeah.
 17 Q. Did any of your Master's work relate to
 18 the role of the PA or PLO in the planning, initiation,
 19 execution, and management of the Al-Aqsa Intifada?
 20 A. Obviously not, given that they are written
 21 20 years before it happened.
 22 Q. Okay. Same answer, I take it, then, for
 23 your Ph.D. thesis?
 24 A. Yeah.
 25 Q. You were an intelligence officer in the

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1 Israel Defense Forces from 1974 to '81; is that right?
 2 A. Yeah.
 3 Q. And what were your duties as an intelligence
 4 officer?
 5 A. I was doing -- in the national assessment
 6 department, assessing developments, occurrences in
 7 the Middle East.
 8 Q. What countries were you focused on?
 9 A. Okay. I guess 30 years later I can --
 10 at a certain point, I was doing general coverage.
 11 At a certain point, I did Soviet foreign policy,
 12 military policy in the Middle East, Syrian policy.
 13 Q. Did any of your work with the IDF form the
 14 basis for your opinions in this case?
 15 A. Not for this case. But, of course, it gives
 16 me background and familiarity with the people involved,
 17 like Mr. Arafat.
 18 Q. So in your work with the IDF, what exposure
 19 did you have to Mr. Arafat?
 20 A. Oh, quite intimate exposure.
 21 Q. Okay. Can you describe that for me?
 22 A. You know, agent reports, phone conversations,
 23 other things that Arafat did and told and reported
 24 in confidence to his colleagues, peers, other people.
 25 Q. Did you, during your time with the IDF,

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1 ever speak with Mr. Arafat?
 2 A. No.
 3 Q. Did you ever speak with his colleagues or
 4 peers as you've just described it?
 5 A. No. I was in intelligence. The PLO is enemy
 6 of the State of Israel. It was illegal to do so. But
 7 I didn't have to speak to him, because I knew what he
 8 was saying. So --
 9 Q. How did you know?
 10 A. I told you, intelligence has ways to eavesdrop
 11 on something, as you know recently from what NASA has
 12 been doing.
 13 Q. Did you hear wiretaps or other recordings
 14 of Mr. Arafat's voice during those seven years with
 15 the IDF?
 16 A. No. But I read the transcription of these
 17 conversations.
 18 Q. Did you hear wiretaps or recordings of any
 19 of Arafat's colleagues as you've described them?
 20 A. How and what had been said and intelligence
 21 assessment -- we were not dealing with raw materials.
 22 There are other people translating it for us. We
 23 are getting the document. So you read a conversation
 24 by Arafat. You read it. You don't hear it.
 25 Q. And tell me what role that information

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1 that you learned during those seven years had in
 2 the formation of your opinions as you've presented
 3 in this report.
 4 A. It gave me a much deeper understanding
 5 of Mr. Arafat than some review in The Washington Post.
 6 Q. During the seven years that you were
 7 with the IDF, how much of that time was focused
 8 on Mr. Arafat and the PLO?
 9 A. It wasn't my main field of occupation.
 10 Q. Can you give me an estimate of the percentage
 11 of time?
 12 A. No, I cannot. But what I'm saying is that
 13 I spent about two years dealing with -- in a department
 14 that was basically -- I don't know if I'm supposed
 15 to say all these things. But I was dealing with a
 16 department that was basically channeling information.
 17 So I was reading an incredible amount of material
 18 related to the PLO. But not only the PLO, as I said,
 19 because that was the entire region.
 20 Q. Do you know whether the information that
 21 you received is classified at this point?
 22 A. I guess most of it will be classified. Yes.
 23 Q. Okay. Your position at King's College, is
 24 that a tenured position?
 25 A. Yeah.

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1 a course on the Arab-Israeli conflict. Yeah.
 2 Q. When was the last time you taught your class
 3 on war and peace in the Middle East?
 4 A. About three years ago.
 5 Q. Two years ago? Was that --
 6 A. Two or three years. Yeah.
 7 Q. And how many times have you taught that
 8 course since 2000?
 9 A. I've been teaching it every year. So you
 10 make the math. So it's about ten years. But, again,
 11 I've been speaking on this issue in conferences,
 12 academic meetings, public debates, and so on and
 13 so forth.
 14 Q. Okay. It is now 10:05. We have a lot to
 15 cover today. But at any point if you need a break,
 16 let me know, and we'll take a break.
 17 A. Okay.
 18 MR. WISE: And, Brenda, let me know if you
 19 need to take a break as well.
 20 THE COURT REPORTER: Okay.
 21 Q. BY MR. WISE: If we're okay to continue now --
 22 A. Yes.
 23 MR. HORTON: It's entirely up to him.
 24 THE WITNESS: Yeah. For me it's all right.
 25 Q. BY MR. WISE: So let's turn to your report.

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1 Q. And how long have you been tenured?
 2 A. Since basically -- the British system is
 3 different from the Israeli and the American.
 4 Effectively, when you enter, you're tenured.
 5 They don't really pick out the positions. But I think
 6 from '90 or '91 officially. But I've been there since
 7 '89.
 8 Q. And what are you -- what courses have you
 9 taught during that time?
 10 A. I taught basically courses on -- on war
 11 and peace in the Middle East -- this was the classic
 12 course -- a course on the Arab-Israeli conflict, a
 13 course on conflict in the Third World and so on and
 14 so forth. I established Middle East studies at King's
 15 basically.
 16 Q. Do any of the courses that you teach or
 17 have taught focus on the role of the PA and PLO in
 18 the planning, initiation, and execution of the Al-Aqsa
 19 Intifada?
 20 A. Yes.
 21 Q. And which ones?
 22 A. I mean, war and peace in the Middle East
 23 definitely, you know, from this period onwards.
 24 Because I've been teaching since '89, which is a
 25 long time before it broke out. But afterwards, yes,

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1 And I would like you, if you would, to turn to page 4.
 2 A. Okay.
 3 Q. You begin in paragraph 1 with reference to
 4 statements attributed to Mr. Arafat in 1968; correct?
 5 A. Uh-huh. Yes.
 6 Q. Which, if we agree that the Al-Aqsa Intifada
 7 started in 2000, was 32 years before the start of the
 8 Intifada?
 9 A. Yes.
 10 Q. And 25 years before the Oslo Accords; correct?
 11 A. Yeah.
 12 Q. Is it fair to say that one underlying premise
 13 of your report is that Arafat's goals remained unchanged
 14 from 1968 through the time of his death?
 15 A. In fact, prior to this. Yes.
 16 Q. You said you did not interview Mr. Arafat
 17 when you were with the IDF.
 18 Have you spoken with him at any point?
 19 A. No.
 20 Q. Have you spoken with any of his colleagues
 21 or -- I can't remember the word you used.
 22 Have you spoken with any of Mr. -- what you
 23 would consider Mr. Arafat's inner circle?
 24 A. Over the years, you mean?
 25 Q. Over the years.

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1 A. Yes. In fact, yes.
 2 Q. Tell me who you've spoken with.
 3 A. Faisal Husseini, for example.
 4 Q. Anyone else?
 5 A. Nusseibeh, even though he denies meeting me.
 6 But yes.
 7 Q. He denies meeting you? How do you know that?
 8 A. Because I wrote an article critiquing him
 9 at a certain point, mentioning a meeting in which both
 10 of us participated in '89. And he later said he had
 11 no recollection of this meeting, which may well or may
 12 not be the case.
 13 Q. Was this meeting a meeting with just the two
 14 of you, or were there --
 15 A. No. It was a meeting between the Jaffa
 16 Center -- I was at that time at the Jaffa Center up
 17 to my departure in September '89. I think it was in
 18 April '89. We met PLO members and other Palestinians
 19 in London -- covertly, because at the time it was
 20 illegal -- in an effort to create a background for
 21 making peace of the kind that Oslo did later. So
 22 the two of them, among other people, were there.
 23 Q. Do you remember who the others were from
 24 the Palestinian side?
 25 A. Yeah. Yezid Sayigh, the one that was

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1 the territories.
 2 Q. And the purpose of that meeting, I believe
 3 you said, was to discuss ways to make peace?
 4 A. To lay the ground for an agreement and for
 5 a breakthrough in Palestinian-Israeli relations. Yeah.
 6 Q. How long did the meeting last? Did it last --
 7 A. It was a couple of days. It was very
 8 thorough.
 9 Q. And what was the result of the meeting?
 10 A. There are no results, I guess. Eventually,
 11 the guys of Oslo took the credit for the breakthrough.
 12 Q. Did you leave that 1989 meeting with
 13 the sense that you shared common ground with the
 14 Palestinians you were speaking with?
 15 A. Not really. I was surprised to see,
 16 for example, that Sari Nusseibeh, who was considered
 17 one of the most moderate Palestinians by Israelis,
 18 Americans, and so on and so forth, was far more
 19 extremist than I thought.
 20 Faisal Husseini didn't really surprise me
 21 because he basically reverted to the standard, if
 22 you wish, Palestinian views. But at a personal level,
 23 he's a very affable person.
 24 Q. When you say "far more extremist," tell me
 25 why you made that conclusion.

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1 mentioned. Ahmed Khalidi. Hussein Agha. There
 2 was some Syrian guy, Zuhair Diab, who was a member
 3 of the Ba'ath party. These are the main people that
 4 I remember.
 5 Q. Okay. Besides Husseini and the gentlemen
 6 you just mentioned from 1989, any other members of
 7 Arafat's inner circle that you've met with?
 8 A. No. I thought some of -- no.
 9 Q. The conversations that you mentioned from
 10 the 1989 meeting, did those form the basis for any
 11 of your opinions in this report?
 12 A. Not directly.
 13 Q. What do you mean "not directly"?
 14 A. They give you further insights to the extent
 15 that you get an insight from direct interviews with
 16 these people.
 17 Q. What about your meetings with Mr. Husseini?
 18 A. As I said, it was in this framework. It's
 19 not a personal meeting.
 20 Q. Mr. Husseini was also at this 1989 --
 21 A. Yeah.
 22 Q. -- meeting?
 23 A. Yeah. He was the head of the delegation.
 24 Husseini was a very senior Palestinian official,
 25 probably the most senior Palestinian official in

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1 A. Because Sari Nusseibeh is a supporter
 2 of the so-called one-state solution, which means
 3 the destruction of the State of Israel and its
 4 transformation into an Arab -- respectively Muslim --
 5 state. And many people don't realize it and -- because
 6 in English he writes very well and he says the right
 7 things to the right people in the West. So he's
 8 considered a moderate who is for Palestinian-Israeli
 9 coexistence. But a person who supports the one-state
 10 solution, as opposed to the two-state solution, is
 11 not a seeker of Palestinian-Israeli reconciliation.
 12 Q. What was his reason for believing that a
 13 one-state solution was the better solution?
 14 A. I mean, he says the two-state solution is
 15 not practical. But basically, you know, no matter
 16 how you coach it, you know, in the final account, it
 17 means that you don't accept the existence of a Jewish
 18 state.
 19 He may have a problem with his father.
 20 His father was an official -- a high-ranking official
 21 in the Jordanian government when it was under Jordan
 22 after '67. He was minister of defense. Maybe he
 23 wants to redeem his place in Palestinian society,
 24 you know. I'm not going now to go into psychologizing
 25 Sari Nusseibeh. But the fact is that what I'm saying,

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1 as far as he was concerned, I was a bit taken aback
 2 by this.
 3 Faisal Hussein was a member of the PLO.
 4 So the PLO has its line -- had its line, and he didn't
 5 stray from it.
 6 Q. When you say he was supporting the destruction
 7 of the State of Israel, did he use that phrase?
 8 A. No. You don't use this phrase.
 9 Q. Did he say that he did not recognize the
 10 legitimacy of Israel?
 11 A. They all don't recognize the legitimacy of
 12 Israel. This is not new. It's enough that you read
 13 the -- the statement even of President Abbas to this
 14 very day. He said that the establishment of Israel
 15 was the greatest tragedy, the greatest wrong inflicted
 16 on another nation in history and so on and so forth.
 17 But it comes indirectly. You have to know to read
 18 the text. [sic]
 19 Q. I understand your interpretation.
 20 My question is: Did he use the phrase or --
 21 or some combination of words --
 22 A. It comes during the debate, for example.
 23 My view was for a long time that -- you know,
 24 I -- I've been a supporter of the two-state solution
 25 for many, many years. And I'm on record on this, and

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1 you can find it in articles. And I haven't gone back
 2 on this despite what has happened.
 3 And part of trying to facilitate -- for
 4 example, you have the problem of the settlements,
 5 which has been inflated by the international media
 6 and the Palestinians and so on. So, for example,
 7 at this meeting, I suggested -- and I think I may
 8 have suggested it in writing, but I don't remember --
 9 that, you know, you have peace. I don't see why the
 10 settlements cannot stay and these people would be
 11 Palestinian citizens or permanent residents or you
 12 can find some kind -- about the -- the legal definition
 13 of their existence on Palestinian soil, just like you
 14 have Palestinians living in Israel. They are Israeli
 15 citizens.
 16 So then, of course, all the Palestinians
 17 got a little exercise. And we got into a debate
 18 about how legitimate it is for Jews to be in the
 19 West Bank and legitimate to Arab -- you get it from
 20 them. But, of course, they don't come and say in the
 21 legal phrasing that is supposed to be a catch phrase:
 22 Oh, Israel is illegitimate. But it comes through very
 23 clearly from -- from discussion, debate.
 24 Q. So the suggestion that Mr. Nusseibeh was
 25 refusing to recognize the legitimacy of Israel and

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1 advocating for the destruction of the State of Israel,
 2 that's your interpretation of the --
 3 A. Well --
 4 Q. -- political positions he was taking?
 5 A. It's not my interpretation. It's the --
 6 the only -- the only way that you can read these
 7 kinds of things. I mean, look -- I mean, even today
 8 you have this problem. Netanyahu accepted the two-state
 9 solution. He asked the Palestinians to -- to recognize
 10 the fact that Israel is a Jewish state, and they refuse
 11 to recognize it.
 12 So, I mean, that's a very sore point for
 13 the Palestinians. They didn't recognize this point
 14 in 1947, they didn't recognize it through the Oslo
 15 process, and they don't recognize it even today. So
 16 it comes in different forms, in different ways, and
 17 they have a few formulas, if you like, in which they
 18 express it. But there is no doubt that this is their
 19 position.
 20 Q. In the second paragraph on page 4 and --
 21 and throughout much of your report, you talk about
 22 the "phased strategy" --
 23 A. Uh-huh.
 24 Q. -- and say that that was to serve as the
 25 guiding principle of the PLO essentially since June

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1 of 1974.
 2 A. Yes.
 3 Q. The words "phased strategy" appear in quotes.
 4 Tell me why.
 5 A. What do you mean?
 6 Q. Is "phased strategy" the words that Arafat
 7 used?
 8 A. The PLO and the PNC, yes, of course.
 9 Q. Okay. And they used them in speeches --
 10 A. Yes.
 11 Q. -- or where else?
 12 A. Speeches, writings, everywhere.
 13 Q. You write that the phased strategy:
 14 "Stipulated that the Palestinians would
 15 take whatever territory surrendered to them" ... to
 16 "use it as a springboard for ... territorial gains
 17 until achieving the 'complete liberation of Palestine.'
 18 (As read.)
 19 A. Yeah.
 20 Q. Again, why is "complete liberation of
 21 Palestine" in quotation marks?
 22 A. Because that's a quote.
 23 Q. From who?
 24 A. From the phased strategy resolution of '74.
 25 I realize I should have brought the source. But it

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1 shouldn't be difficult to find it.
 2 Q. But that is your source? That's the source
 3 you're -- the reason you put it in quotations?
 4 A. Yeah.
 5 Q. Okay.
 6 A. You have this resolution in the Palestine --
 7 in the Journal of Palestine Studies that they provide
 8 the English text. You'll find it. It's not difficult.
 9 Q. When you say, in paragraph 4, that Arafat
 10 announced that the 1993 Declaration of Principles
 11 "was nothing more than part of the implementation of
 12 the ... 'phased strategy'" --
 13 A. Where do you --
 14 MR. HORTON: Yeah, I'm sorry. Where are you?
 15 Q. BY MR. WISE: Paragraph --
 16 A. Three?
 17 Q. -- 4.
 18 A. Oh.
 19 Q. Starting on the fourth page.
 20 A. Yes. Yeah.
 21 MR. HORTON: Okay.
 22 Q. BY MR. WISE: You say that:
 23 "The declaration was nothing more than
 24 part of the implementation of the PLO's own 'phased
 25 strategy.'"

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1 A. Yeah.
 2 Q. And you write that that -- that Arafat
 3 announced this --
 4 A. Yeah.
 5 Q. -- on Jordanian television; correct?
 6 A. Yeah. You have the source in the references.
 7 Q. Where is this --
 8 A. I mean, you have it later remind -- recalled
 9 again when I went through the documentation that was
 10 collected. So it's -- it's there.
 11 Q. Can you identify it for me?
 12 A. It will take time now. (Examining.)
 13 MR. WISE: Well, why don't we do this,
 14 actually. Why don't we take a break for --
 15 MR. HORTON: Sure.
 16 MR. WISE: -- for ten minutes. And perhaps
 17 we can find it during the break, and then we'll pick
 18 up from there.
 19 (Recess from 10:19 a.m. to 10:29 a.m.)
 20 Q. BY MR. WISE: Professor, were you able
 21 to --
 22 A. No, not yet.
 23 Q. -- find the source?
 24 A. But it -- I mean, you can ask your colleague
 25 to look. When he sees Jordanian television on this day,

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1 he will find it. It's there.
 2 Q. Have you viewed the Jordanian broadcast
 3 yourself?
 4 A. Yeah.
 5 Q. And according to your report, Mr. Arafat's
 6 broadcast on Jordanian television was made at the same
 7 time that --
 8 A. It was pre-recorded. Yeah.
 9 Q. But it was -- it was released at the same
 10 time that he was participating in a signing ceremony
 11 about the declarations on the White House lawn; correct?
 12 A. At the -- at the approximate time.
 13 Q. Is it your contention that, by using the
 14 phrase "phased strategy," Arafat was declaring that
 15 the Declaration of Principles was just another step
 16 toward the eventual destruction of Israel?
 17 A. He was hinting to his constituency what it
 18 means. Yeah.
 19 Q. And do you -- in your view, did Arafat
 20 believe that the United States was not listening to
 21 his broadcasts on Jordanian television?
 22 A. I don't know what he believed in this respect
 23 or not. But he said it nevertheless.
 24 Q. I guess I'm trying to get at -- you're
 25 saying that at essentially the same time he's in

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1 a signing ceremony on the White House -- White House
 2 lawn, committing to these Principles and announcing
 3 to his own people that the Principles are just another
 4 step toward the destruction of Israel, do you believe
 5 that Arafat saw the Declaration as -- as consistent
 6 with his goal and thought the United States would
 7 not understand what you say he was saying to his
 8 constituency?
 9 A. Yes.
 10 Q. Okay. And what is your basis for believing
 11 that?
 12 A. The facts.
 13 Q. Just the fact that he was participating in
 14 the signing ceremony while announcing that on Jordanian
 15 television?
 16 A. On this particular example.
 17 Q. You say on page 6, at paragraph 8,
 18 essentially, that Arafat used phrases about Palestinian
 19 rights and peace to fool naive Western listeners;
 20 correct?
 21 A. Uh-huh.
 22 MR. HORTON: You have to give a "yes" or
 23 "no" --
 24 THE WITNESS: "Yes."
 25 MR. HORTON: -- response.

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1 Q. BY MR. WISE: And the specific phrases
2 you cite are, quote, "regaining of full Palestinian
3 rights" and, quote, a "just and comprehensive
4 peace."
5 Correct?
6 A. Yeah.
7 Q. And your contention is that, when Mr. Arafat
8 refers to a, quote, "just and comprehensive peace,"
9 he is calling for the destruction of Israel; is that
10 right?
11 A. Yes.
12 Q. Who were the -- when you say "to Western
13 ears," who are the Western ears that you believe
14 Mr. Arafat was trying to fool?
15 A. Western observers of the Middle East, be
16 they academic, journalist, politicians.
17 Q. Is it your contention that U.S. politicians
18 and diplomats were fooled by Mr. Arafat's language?
19 A. Yes.
20 Q. Okay. And have you interviewed any U.S.
21 diplomats about their negotiations with Mr. Arafat?
22 A. Over the years, I -- I met and spoke to
23 a lot of U.S. diplomats. I don't recall their names.
24 I've been on visits to Washington. I spoke in the
25 State Department. I met them in conferences, in London,

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1 on other occasions. I mean, I was in gatherings where
2 people like Dennis Ross and others were.
3 Yes, of course I spoke to -- to a lot of
4 American academics, American politicians, American
5 journalists.
6 Q. I'm trying to understand --
7 A. I didn't interview them for this particular
8 report. That's for sure. Because this report, in
9 any case, was based on something written in advance.
10 But I had numerous conversations with American people
11 dealing with the Middle East.
12 Q. And when you say that Arafat fooled U.S.
13 diplomats and politicians, are you saying that because
14 some of those diplomats supported positions that Arafat
15 was taking?
16 A. What do you mean position that he was taking?
17 They didn't understand what he really meant.
18 Q. And how did you determine that they didn't
19 understand that?
20 A. Because in my view -- and I think I prove
21 it in the book and I think, to the best of my ability,
22 I tried to prove it in this report, Arafat didn't
23 mean -- when he embarked on the Oslo process, he had
24 something in mind which was not really commensurate
25 with peace. And the American administration at that

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1 time and many of the American commentators didn't
2 get it.
3 Q. So is it your position that any American
4 diplomat who believed that Arafat was at any time
5 committed to the Oslo process, that that person had
6 been fooled by Arafat's use of these phrases?
7 A. Or by self-delusion. Self-delusion or by
8 misunderstanding of the Middle East.
9 Q. Self-delusion, you're meaning that U.S.
10 diplomats deluding themselves?
11 A. Yes, of course. Or by misunderstanding of
12 the Middle East. There are many reasons why Americans
13 don't understand the world. You know, if you want
14 a deposition of this, we can have one. But the U.S.,
15 as it is, doesn't really understand the rest of the
16 world.
17 Q. Did you have any discussions with U.S.
18 diplomats about Arafat's responsibility for the
19 Second Intifada?
20 A. I don't recall really, but I would assume so.
21 Q. And when you assume so, can you name any --
22 A. No. Because I don't recall really. As
23 I said, I -- I participated in a lot of meetings of --
24 of various sorts and had a lot of --
25 (Court reporter clarification.)

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1 THE WITNESS: It's difficult.
2 THE COURT REPORTER: I know.
3 MR. HILL: Do your best, please.
4 THE WITNESS: Yeah, I think sometimes if
5 I slow down that, you know, you'll speak too -- less
6 intelligent even, so I don't want to do it.
7 MR. HILL: Professor Karsh -- off the record
8 for a second.
9 (Discussion held off the record.)
10 (Pending partial question and answer read.)
11 THE WITNESS: In many professional gatherings,
12 meetings that discuss the subject. But I don't recall
13 the -- the -- the specific people who attended.
14 Q. BY MR. WISE: Okay. And so -- just so the
15 record is clear, the question was: Could you name
16 any specific U.S. diplomats that you had spoken to
17 about Arafat's involvement in the Second Intifada?
18 And the answer is: You can't recall any
19 as you sit here?
20 A. I cannot recall. But as I said, I spoke
21 to junior ones that I forgot the names after I spoke
22 to them. And I spoke to more senior ones, you know,
23 whom I know personally to this or that extent and
24 whom I met in this or that professional meetings,
25 you know, including the highest levels of American

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1 diplomacy at the time, as I said, Dennis Ross at a
 2 certain point, Martin Indyk. But, again, they may
 3 not remember it, and I don't remember every talk I
 4 had with them at every single meeting.
 5 Q. Do you believe that you speak -- you spoke
 6 with Mr. Indyk about Mr. Arafat's involvement in the
 7 Second Intifada?
 8 A. I spoke to Mr. Indyk when we -- we meet and
 9 talk and we discuss. It depends on what this particular
 10 meeting is about. But we didn't discuss it: Oh, there
 11 is a certain case that said so and so. What do you
 12 think? We discussed the general situation.
 13 Mr. Indyk, as we know, he's a peace believer
 14 to this very day. So obviously, in my view, he is
 15 misconceived.
 16 Q. When you say in paragraph 8 that in, quote,
 17 "Arab and Palestinian parlance" and, quote, justice
 18 means "the establishment of a Palestinian state on
 19 Israel's ruins," what is your basis for opining on
 20 Arab and Palestinian parlance?
 21 A. Sorry. I -- can you repeat?
 22 Q. Okay. Let me make that a little more clear.
 23 You say, starting on the third line of
 24 paragraph 8:
 25 "Yet in Arab and Palestinian parlance,

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1 such 'justice' has always meant the 'return of the
 2 whole of Palestine to its rightful owners,' that is,
 3 the establishment of a Palestinian state on Israel's
 4 ruins."
 5 A. Yeah.
 6 Q. And my question is: When you say "in Arab
 7 and Palestinian parlance," what is your basis for
 8 opining on what Arab and Palestinian parlance is?
 9 A. Yeah, about 30, 40 years of studying this
 10 parlance. Yeah.
 11 Q. And are you generalizing to all Arabs and
 12 Palestinians?
 13 A. To all Arabs and Palestinians who have
 14 the minimum interest in the Arab-Israeli conflict
 15 and the future of -- of their constituencies, yes.
 16 Q. And so it's your opinion that every time
 17 a Palestinian with minimum interest in the process
 18 uses the word "justice" or "calls for justice," he
 19 or she is calling for the destruction of Israel?
 20 A. Let's put it: Every Palestinian official
 21 definitely, Palestinian academics. I wouldn't say
 22 that the cleaning lady in this hotel building grasps
 23 exactly what "justice" means in this.
 24 But definitely, when they speak about justice,
 25 they speak about the right of return, for example, the

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1 right of the return of the Palestinian refugees of the
 2 '48 war. And this, of course, in their parlance means
 3 the destruction of Israel.
 4 Q. I'm just trying to define your parameters.
 5 Would you agree with me that every educated
 6 Palestinian who calls for justice, you believe they
 7 are calling for the destruction of the State of Israel?
 8 A. By and large.
 9 Q. Okay. The 1993 Declaration of Principles,
 10 you'd agree with me that that was a significant
 11 milestone in Israeli-Palestinian relations?
 12 A. Yes.
 13 Q. It was intended to allow the PLO to
 14 establish a firm political and military presence;
 15 correct?
 16 A. Military, I wouldn't say. But yes.
 17 Q. Okay. Well, let me actually refer you
 18 to paragraph 3 of your report on page 4, where you
 19 suggest --
 20 A. Yeah.
 21 Q. -- that Israel --
 22 A. Yeah.
 23 Q. -- was allowing the PLO to establish a
 24 firm political and military presence.
 25 Correct?

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1 A. Yes.
 2 Q. It also contemplated the PLO establishing
 3 police and security forces; right?
 4 A. Yeah.
 5 Q. And it was known to Israel, at the time
 6 of the Declaration, that the police and security
 7 forces would include in its ranks individuals that
 8 had committed violent acts in the past; correct?
 9 A. Yes.
 10 Q. And that was something that Israel agreed
 11 to in the Declaration; correct?
 12 A. Indirectly, yeah.
 13 Q. Well, you write in that same paragraph
 14 it was -- and referring to Israel:
 15 "It was prepared to arm thousands of
 16 (hopefully reformed) terrorists who would be
 17 incorporated into newly established police and
 18 security forces charged with asserting the PLO's
 19 authority throughout the territories."
 20 Right?
 21 A. Correct. Yeah.
 22 Q. You state that Arafat evoked the -- this
 23 "phased strategy" over a dozen times -- and now I'm
 24 on page 6 -- I'm sorry -- the paragraph 9 -- evoked
 25 the "phased strategy" over a dozen times in September

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1 1993 as part of his "instrumental perception of the
2 Oslo process."
3 Correct?
4 A. Yes.
5 Q. What does the phrase "instrumental perception"
6 mean?
7 A. What it's supposed to mean. It meant the
8 Oslo process was basically a ploy to achieve something
9 wider of which he hinted but never said.
10 Q. When you use --
11 A. Definitely not to the Israelis and Americans.
12 Q. When you use the word "perception" in
13 "instrumental perception," whose perception are
14 you referring to?
15 A. It's written there. Arafat's instrumental
16 perception.
17 Q. You're referring to Mr. Arafat's perception?
18 A. Yeah. That's what it says.
19 Q. And in paragraph 7, on page 6, you use
20 the phrase "strategic fraud" to refer to Mr. Arafat's
21 description of the -- the peace agreements; correct?
22 A. Yeah.
23 Q. And say that:
24 "This was not the first time that Arafat
25 told an Arab audience that the series of peace

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1 agreements which he had signed with Israel since
2 September 1993 was nothing other than a strategic
3 fraud aimed at bringing about the eventual destruction
4 of the Jewish state."
5 Correct?
6 A. Correct.
7 Q. The -- the words "strategic fraud," is that --
8 is that your paraphrase of what Mr. Arafat was saying,
9 or are you contending that in speeches Mr. Arafat
10 told audiences, be they Western or Arabic, that he
11 was perpetrating a strategic fraud on Israel through
12 the Oslo process?
13 A. I mean, basically that's my assessment.
14 It's not assessment, definition of -- of what he was
15 doing. But in -- Arafat was saying the same in so
16 many words on several occasions.
17 Q. But he never used the words "strategic fraud";
18 right?
19 A. That's my words. Yeah.
20 Q. Okay. When you referred to the
21 Israeli-Palestinian agreement on the withdrawal from
22 Gaza and Jericho, and specifically you cite to a Middle
23 Eastern news agency report -- so we're at page 6 of your
24 report when you're citing to the sources in footnote 4.
25 A. Yeah.

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1 Q. You're following me? So we're now in
2 paragraph 9?
3 A. Yeah.
4 Q. Let me show you the source.
5 (Defendants' Exhibit 288 marked.)
6 MR. HORTON: 288?
7 Q. BY MR. WISE: I'll show you 288. In
8 paragraph 9, you say that:
9 "Arafat evoked the 'phased strategy' over
10 a dozen times in media appearances throughout the
11 Arab world."
12 Footnote 4 includes a number of broadcasts;
13 correct?
14 A. (Examining.) Yes.
15 Q. The second one is the "Middle Eastern News
16 Agency, Cairo" dated September 3rd; correct?
17 A. Yes.
18 Q. Okay. Document 288, if you'll look at the
19 second column, do you recognize this as that source
20 cited in your report?
21 A. I guess so. It says specifically:
22 "The Israeli-Palestinian agreement on"
23 the "withdrawal from Gaza and Jericho is considered
24 to implement the Palestine National Council's
25 resolution of 1974 providing" for the establishing --

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1 "for establishing a national Palestinian authority
2 on any part of Palestinian soil from which Israel
3 withdraws." (As read.)
4 Yes.
5 Q. And is that the type of statement that you
6 were referring to when you paraphrased to say that
7 Arafat would talk about a strategic fraud that was
8 being perpetrated on Israel?
9 A. As I said, I didn't say that Arafat
10 referred to strategic fraud. I said that what
11 Arafat was doing is a strategic fraud. And this
12 is a strategic fraud because you sign an agreement
13 that is basically supposed to lead to peace; at the
14 same time, you say quite clearly -- and this is one
15 example, but we'll have dozens, some of which are
16 mentioned here and some of which will be easy to
17 produce -- in which he said that basically what we
18 are doing is in accordance to the '74 phased strategy.
19 And the phased strategy talks about the destruction
20 of the State of Israel basically.
21 Q. When he refers to establishing a national
22 Palestinian Authority on any part of Palestinian soil
23 from which Israel withdraws, he's talking about a
24 withdrawal in accordance with the Israeli-Palestinian
25 agreement; correct?

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1 A. No. He talks about implementation of the
2 '74 resolution, which is the first strategy resolution.
3 And if you read this resolution, it says
4 the idea is the Palestinians will take any part
5 that Israel will relinquish and, from there, they'll
6 continue taking more and more until the complete
7 liberation of Palestine, which means the establishment
8 of a Palestinian state on the entire territory of
9 mandatory Palestine, which means again on the -- on
10 the ruins of Israel.
11 Q. Okay. But in the sentence that we're looking
12 at --
13 A. The sentence doesn't quote the entire
14 resolution. But it says to people it's based on this.
15 And everyone, when he talks about this, knows what it
16 means.
17 Q. When he says "the Israeli-Palestinian
18 agreement on withdraw from Gaza and Jericho," what
19 is he referring to?
20 A. This refers to the DOP, the Declaration of
21 Principles. Yeah. But he says it's implementation
22 of the '74 resolution.
23 Q. And your opinion is that --
24 A. It's not my opinion. That's what he says.
25 Q. -- when -- your opinion is that, when he

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1 Mecca; correct?
2 A. Yeah.
3 Q. Okay. And you cite in paragraph 11
4 to an article in the Jerusalem Post as evidence
5 of Mr. Arafat's intent in referencing the treaty;
6 correct?
7 A. In this particular case. But there are
8 more cases mentioned.
9 (Defendants' Exhibit 289 marked.)
10 MR. HILL: We only have one copy.
11 MR. WISE: I think we only have one copy.
12 I'm sorry, Phil.
13 MR. HORTON: That's okay. I'll look over.
14 It's happened to me.
15 MR. WISE: I apologize.
16 MR. HORTON: No, this is for both of us.
17 He's only got one. So I'm just going to look over
18 your shoulders.
19 Q. BY MR. WISE: This source you recognize as
20 the Jerusalem Post article; correct?
21 A. Sorry?
22 Q. Is this the Jerusalem Post article that you
23 cite in that footnote?
24 A. Footnote 6?
25 Q. Footnote 6.

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1 refers to the 1993 Declaration of Principles, that
2 is part of what he views as a strategic fraud being
3 perpetrated on Israel; correct?
4 A. What I'm saying is that the '93 agreement
5 and the follow-up agreement that he signed in '94 and
6 '95 and so on were all part of a strategic fraud. Yes.
7 Q. You, in your report, a number of times --
8 and let's look at page 7 and paragraph 12 -- refer
9 to the Treaty of Hudaibiya --
10 A. Hudaibiya. Yeah.
11 Q. -- as the religious parallel of the phased
12 strategy and a regular theme in Arafat's public
13 rhetoric; correct?
14 A. Yes.
15 Q. And, in your view, his references to that
16 treaty demonstrate an intention to launch a violent
17 uprising?
18 A. Not necessarily. It indicates, again, that
19 the '93 agreement doesn't commit the PLO and the PLO
20 has wider goals, just like Mohammad signed an agreement
21 that he abided by so long as it served his purpose.
22 Q. And, in your view, the relevance of this
23 treaty when Mr. Arafat refers to it is because Prophet
24 Mohammad reneged, I believe is the word you used in
25 paragraph 11, on a deal he made with the people of

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1 A. Let me read it. (Examining.) Yes.
2 Q. Okay. Let me turn your attention to the
3 second page of the article where it -- the article
4 quotes Ahmad Tibi.
5 A. Yes.
6 Q. A senior advisor to Arafat; correct?
7 A. Yes.
8 Q. And the article states that:
9 "But Ahmad Tibi, a senior advisor to Arafat,
10 said on Israel Radio yesterday that any Arab school
11 child knows that the Kuraish, not Mohammed, had
12 violated the truce. Arafat, he said, simply meant
13 to suggest that the Israel-PLO accord would also
14 collapse if one side violated it."
15 Quote:
16 "'Your broadcast is a despicable act,'
17 Tibi told the radio. 'You brought an expert who
18 is a political person, an expert only to himself
19 and a pseudo-Islamist who slanted the facts and
20 contended that Mohammed broke the agreement with
21 the Kuraish.'"
22 Do you see that quote?
23 A. Yeah.
24 Q. In citing the source, you don't make any
25 reference to that statement by Mr. Arafat's advisor;

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1 correct?
 2 A. Why should I?
 3 Q. The question is: You didn't note it in your
 4 report; correct?
 5 A. No. Ahmad Tibi is a gynecologist, not an
 6 Islam expert.
 7 Q. Not an Islam expert, you said?
 8 A. He's a gynecologist.
 9 Q. The article quotes him as an Arafat advisor;
 10 right?
 11 A. He's an Israeli citizen. For some reason,
 12 the Israeli government allowed him to be -- or didn't
 13 prosecute him for being an Arafat advisor. But he's
 14 a gynecologist.
 15 Q. Okay.
 16 A. So, A, he doesn't understand anything in
 17 Islam or Islamic studies. B, like you say, he's an
 18 Arafat advisor. So he said everything in order to
 19 exonerate Arafat of what he's saying.
 20 Q. And in this quote, what he's talking about
 21 is what Arafat believes is the significance of this
 22 treaty; correct?
 23 A. That's what he says.
 24 Q. Okay. But you --
 25 A. I don't think this is what Arafat believes.

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1 Q. You also cite in -- in footnote 8, which
 2 refers to paragraph 12, to an Orbit Television --
 3 A. Yeah.
 4 Q. -- interview with Mr. Arafat; correct?
 5 A. Uh-huh.
 6 (Defendants' Exhibit 291 marked.)
 7 Q. BY MR. WISE: I'm going to show you 291.
 8 Do you recognize that as the Orbit Television
 9 interview that you've cited?
 10 A. I have to read it. (Examining.)
 11 Q. Take a look at the heading.
 12 Does that reflect Orbit Television on the
 13 date that corresponds to the citation in your report?
 14 A. Yeah. It's -- the date is the same date.
 15 Yeah.
 16 Q. So turn to page 4 with me if you would.
 17 Do you see at the top of the page
 18 Mr. Arafat -- and it actually starts at the end
 19 of page 3 -- is describing the same treaty that you
 20 and I have been discussing?
 21 A. Yeah.
 22 Q. And describes how he believed it was a hard
 23 agreement because it involved a concession by Mohammad?
 24 A. A perceived concession, yeah, by some others.
 25 Yeah.

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1 Arafat is a devout man. He knows the Koran much better
 2 than Ahmad Tibi, and he knows very well what Hudaibiya
 3 means to Muslims.
 4 MR. WISE: Can we mark this as 290?
 5 (Defendants' Exhibit 290 marked.)
 6 Q. BY MR. WISE: What you've been handed as
 7 Exhibit 290 is a Jerusalem Post article from June 1,
 8 1994; correct?
 9 A. (Examining.) Yeah. Which footnote does
 10 it relate to?
 11 Q. You refer to it in footnote 7.
 12 A. Okay.
 13 Q. In this article -- and we're in the third
 14 paragraph -- it quotes Mr. Arafat himself discussing
 15 this treaty. And he is quoted as saying, quote:
 16 "Prophet Mohammad reached [a similar]
 17 agreement with the infidels in Hudaibiya and it
 18 was torn down two years later by the infidels."
 19 Correct?
 20 A. Yes.
 21 Q. In that quote, Mr. Arafat is suggesting
 22 that his belief is that the treaty fell apart because
 23 of the actions of the infidels -- correct? -- not the
 24 Prophet Mohammad?
 25 A. That's what he says here. Yeah.

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1 Q. A perceived concession by others?
 2 A. Some of Mohammad's -- Mohammad's peers thought
 3 that it was a concession. That's what he said. Yeah.
 4 Q. Fourth line on page 4, Arafat says:
 5 "Some of them called it the agreement of
 6 concession."
 7 A. Yeah.
 8 Q. Correct?
 9 A. "Some of them called." Yeah.
 10 Q. And then Arafat is quoted as saying -- well,
 11 let me ask you this.
 12 Do you know why it was referred to as a
 13 "hard concession"?
 14 A. At the time?
 15 Q. Yes.
 16 A. By some of Mohammad's colleagues?
 17 Q. No. Why is Arafat referring to it as --
 18 as an agreement of concession?
 19 A. Because many Palestinians who didn't
 20 understand Arafat's intentions saw that he made
 21 concessions by signing the DOP.
 22 Q. I'm sorry. Maybe my question wasn't clear.
 23 When Mr. Arafat is referring to the Treaty
 24 of Hudaibiya, do you know why he says that some of --
 25 that some of them call it the agreement of concession?

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1 A. Yes, I repeat. What happens here is that
2 Arafat explains to people who believed that he really
3 wanted peace with Israel, which means a concession
4 to them, people like Yezid Sayigh, for example, that
5 basically did -- he was following in the footsteps
6 of Mohammed. As you can see here even he mentioned
7 Salah-Al-Din Al-Ayyubi, who signed an agreement with
8 Richard. And we all know what happened eventually to
9 Jerusalem. It was taken by the Muslims.

10 So what he was saying: Don't throw it.
11 It's a hard concession on the face of it. But the
12 end will be like Mohammad eventually took Mecca,
13 Salah-Al-Din took Jerusalem. That's what he was
14 saying, and that's what it means in the context.

15 Q. Okay. But back in --

16 A. Again, you are reading it in the Western
17 kind of interpretation that exactly the Ahmad Tibis
18 speak to because --

19 Q. Let me ask you --

20 A. -- they want people like yourself to believe
21 certain things.

22 Q. Okay. Well, let me ask you how you are
23 reading it. And specifically the fifth line, the
24 middle, when Arafat says:

25 "Some of them called it the agreement of

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1 question is now: Do you advise -- do you want an
2 explosion at this moment? And he said: No, we should
3 be calm, just like Mohammad was calm, like Salah-Al-Din
4 was calm. But in the final account, they achieved what
5 they wanted.

6 Q. But "in the final account, they achieved what
7 they wanted" is language you are reading in; correct?

8 A. Yes, of course.

9 Q. Okay. You state on page 9, at paragraph 18,
10 that:

11 "The ... guiding principles of the PA,
12 published a short time after its establishment in
13 May 1994" -- (As read.)

14 MR. HORTON: I'm sorry, Brian. Where are you?

15 THE WITNESS: If I may --

16 MR. HORTON: Not Brian. Andy.

17 THE WITNESS: I mean, I know I'm not this --
18 but if I may just follow up on what you said because
19 you didn't read the continuation.

20 You said: I advise calmness.

21 And then they're asking: If the other side
22 will not abide by the agreement, what would you do?

23 And then Arafat say: Once it happens,
24 we'll decide.

25 As I told you, which means that he said

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1 concession."

2 Referring to the Treaty of Hudaibiya; right?

3 A. And here he gives another example, which
4 reinforces the Hudaibiya case.

5 What he says is that sometimes when you are
6 in a conflict, you have to make tactical moves that
7 are difficult because, in the final account, they are
8 your enemies. You don't want to make any concessions.
9 But you make the concession in order to achieve the
10 wider goal.

11 And this is what Mohammad did, and this
12 is what Salah-Al-Din did. And he gives two examples,
13 not even one here --

14 Q. And that's your --

15 A. -- which basically indicates that what he
16 did was following in their footsteps.

17 Q. And that's your reading of Mr. Arafat's
18 quote that's in this article you cite?

19 A. Yeah.

20 Q. Okay. When he says at the end of the page --
21 of 4, "Yes, I advise calmness, we abide by our
22 commitments, just as the Prophet and Salah-Al-Din
23 abided by the agreements they signed," this is to
24 you more evidence of his strategic fraud; correct?

25 A. Yes. It's in answer to a question. The

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1 before: All options are available to the Palestinian
2 people. All options --

3 Q. BY MR. WISE: Right. That wasn't --

4 A. -- which means -- which means that probably
5 the military option as well. So Arafat here reveals
6 that basically the military option cannot be precluded
7 despite the fact that he signed agreements with Israel,
8 not only the '93, but especially the '94 and the '95,
9 which basically eliminated violence as a means of
10 discussing the future.

11 And here he specifically says all options
12 are available in the future. So he means that, you
13 know, if the Israelis don't do what we want, there
14 will be violence. That's what he's saying.

15 Q. That is your interpretation of what he's
16 saying; right?

17 A. That's what he's saying. All options are
18 available. Which options do you see apart from the
19 military, given that the political is already being
20 taken?

21 Q. My only question is: When you say that
22 what he is advocating for is the military option,
23 that is your interpretation of what you are reading;
24 correct? It's not --

25 A. That's -- that's my interpretation what I'm

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1 reading. And this is what he's effectively saying.
 2 Q. Okay. Let's move on to my next question,
 3 then. I was on page 9, at paragraph 18 --
 4 MR. HORTON: Eighteen. Thank you.
 5 Q. BY MR. WISE: -- where you discussed the
 6 guiding principles of the PA, starting on line 3,
 7 which you say on line 5:
 8 "Draw a direct historical line between
 9 the Palestinian rejection" --
 10 A. Just a minute. Page?
 11 Q. Page 9 --
 12 A. Nine.
 13 Q. -- paragraph 18.
 14 A. Okay.
 15 Q. (Reading.)
 16 "Draw a direct historical line between the
 17 Palestinian rejection of Jewish sovereignty in 1948
 18 and the Oslo Accords" --
 19 A. Yes.
 20 Q. (Reading.)
 21 -- "and make intensive use of the wording
 22 and terminology of the 'phased strategy'; they set
 23 forth an undertaking by the PA 'to work for the
 24 achievement of the legitimate Palestinian goals:
 25 Independence, freedom, equality, and return through
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1 A. Yes.
 2 Q. On page 8, at paragraph 15, you write, quote:
 3 "Even the most moderate members of the
 4 Palestinian leadership, the architects of the
 5 diplomatic process - Mahmoud Abbas (Abu Mazen)
 6 and Ahmed Qurei (Abu Alaa) - did not hesitate to
 7 express their hope that Israel would eventually
 8 be destroyed."
 9 Correct?
 10 A. Yes.
 11 Q. And you reference for the Abbas quote an
 12 interview that Mr. Abbas did with the Israeli daily
 13 Ma'ariv --
 14 A. Uh-huh.
 15 Q. -- on January 19th, 1996; correct?
 16 A. Yes.
 17 Q. Okay. You don't quote the interview in
 18 your report; right?
 19 A. Yes, it seems so. Yeah.
 20 Q. Yes, you do quote it in your report?
 21 A. No. No. But you mentioned the date. So
 22 that's why I didn't quote it.
 23 Q. Okay. But do you recall that you -- that you
 24 included the actual quote from Abu Mazen in your book?
 25 A. As far as I remember. But I can -- if you
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1 a graduated process."
 2 Correct?
 3 A. Correct.
 4 Q. Okay. What is the source for the quoted
 5 language?
 6 A. It's in the next one, I think. It's
 7 footnote 18, the next one, which goes --
 8 Q. Okay. So the footnote that --
 9 A. It's in the middle of paragraph 20.
 10 Q. And that is --
 11 A. It refers to the -- yeah.
 12 Q. -- the source for what you write in
 13 paragraph 18?
 14 A. Yeah.
 15 Q. Okay. When you say that the PA is referencing
 16 the legitimate goals of independence, freedom, equality,
 17 and return, is it your opinion that those were veiled
 18 calls for the destruction of Israel?
 19 A. Return especially and graduated process.
 20 Yeah.
 21 Q. Okay. So the answer's "yes"?
 22 A. Yes.
 23 Q. And by using those terms, are you suggesting
 24 that the PA was indicating it would not abide by the
 25 commitments in the Oslo Accords?

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1 have a copy, I can --
 2 Q. I'll show it to you.
 3 (Defendants' Exhibit 292 marked.)
 4 Q. BY MR. WISE: This is 292, Professor.
 5 Do you recognize this as an excerpt from
 6 your book entitled "Arafat's War"?
 7 A. (Examining.) Yeah.
 8 MR. HILL: Off the record for a second.
 9 (Discussion held off the record.)
 10 Q. BY MR. WISE: Do you see that, in the last
 11 paragraph on page 66, you reference an interview
 12 with the Israeli daily Ma'ariv on January 19th,
 13 1996 --
 14 A. Yeah.
 15 Q. -- with Abu Mazen?
 16 A. Yeah.
 17 Q. And the quote from your book is, quote:
 18 "I hope that in the future we will
 19 reach a state of complete mixture [among Israelis
 20 and Palestinians], though it may take some time
 21 to overcome past enmities," he said. 'And then
 22 [Palestinians] will be able to run for the Knesset
 23 while [Israelis] will be able to run for the
 24 Palestinian Parliament, and perhaps a confederation
 25 will emerge. For dreams can at times be realized.'"

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1 That's the quote from your book; correct?

2 A. Yeah.

3 Q. And that is the quote that you in your

4 report state --

5 A. Gently.

6 Q. -- was Abu Mazen's expression of hope that

7 Israel would eventually be destroyed; right?

8 A. Yes.

9 Q. On page 13 of your report -- page 13 of

10 your report at paragraph 31, you reference -- and

11 I'm on line 4 and 5 now -- Mr. Arafat's:

12 "Broad description of his vision of 'peace,'

13 which included the establishment of 'a democratic state

14 in which Muslims, Christians, and Jews can coexist.'"

15 Which you call:

16 "The old euphemism for the destruction of

17 Israel."

18 Correct?

19 A. Yes.

20 Q. What is the source for the statement that

21 you attribute to Mr. Arafat?

22 A. You mean the "democratic state in which

23 Muslims" -- that's from the PLO decisions in '69.

24 Q. That's the source?

25 A. Uh-huh.

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1 is obviously no connection.

2 Q. So why is this quote relevant to your

3 conclusions?

4 A. Because this quote indicates that perception

5 of a so-called right of return going back already to

6 the late 40's. And it has been repeated by various

7 Arab leaders over time.

8 Q. Okay. In that same paragraph, you write

9 that there was, quote --

10 A. Which paragraph is this?

11 Q. Same paragraph 16 on page 9.

12 A. Yeah.

13 Q. I'm on a continuation of the paragraph that

14 starts at the bottom of that page. Go with me to the

15 last three lines of the top paragraph where you say:

16 "In subsequent years, there was hardly an

17 Arab leader ... who did not reiterate this concept of

18 the 'right to return.'" (As read.)

19 Correct?

20 A. Correct.

21 Q. And is it your contention that every Arab

22 leader that references a right of return of Palestinians

23 is calling for the destruction of Israel?

24 A. Yes.

25 Q. Okay. You write that the U.N. General

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1 Q. And it does use the word "peace"?

2 A. No. "Peace" in inverted commas is my word.

3 Q. I see. The actual text, does it use the

4 word "coexist"?

5 A. Yeah.

6 Q. Okay. You discuss the various politicians --

7 Palestinian politicians reference to a right of

8 return and say that those were calls for the

9 destruction of Israel; correct?

10 A. Yes.

11 Q. Okay. And you start that discussion on

12 page 8 of your report at paragraph 16; right?

13 You describe the right of return as:

14 "Another prong of Arafat's 'phased strategy,'

15 in this case, the destruction of Israel through

16 demographic subversion."

17 Correct?

18 A. Just a minute. Yeah.

19 Q. You first cite -- on page 9, of paragraph 16,

20 you first cite an Egyptian politician's statement from

21 1949 as support for your conclusion; correct?

22 A. Uh-huh. Yes.

23 Q. And what was Muhammad Salah-Al-Din's

24 connection to the PLO or PA?

25 A. There was no PLO at the time. So there

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1 Assembly Resolution 194 --

2 I'm sorry. Hold on. Let me -- let me see

3 where this is so I can direct you to it. Okay. So

4 turn with me to page 10. The sentence starts on page 9,

5 paragraph 19.

6 A. Yes.

7 Q. And at the end, you say that:

8 "Resolution 194, which was adopted by the"

9 U.N. "General Assembly on December 11, 1948, and which

10 is (mis)interpreted by the Palestinians as ensuring

11 the Palestinian 'right of return.'" (As read.)

12 Correct?

13 A. Correct.

14 Q. Okay. What is your basis for asserting that

15 Resolution 194 does not envision a right of return?

16 A. Because it does not.

17 Q. Let me show you -- let's mark this as 293.

18 (Defendants' Exhibit 293 marked.)

19 MR. HORTON: Thank you.

20 THE WITNESS: Article 11?

21 Q. BY MR. WISE: No. 11, which reads:

22 "Resolves" --

23 Sorry. Page 3.

24 -- "that the refugees wishing to return

25 to their homes and live at peace with their neighbors

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1 should be permitted to do so at the earliest practicable
2 date and that compensation should be paid for the
3 property of those choosing not to return and for
4 loss of or damage to property which, under principles
5 of international law or inequity, should be made good
6 by the governments or authorities responsible."

7 Correct?

8 A. (Examining.) Correct. Why don't you continue
9 reading?

10 Q. Okay. Well, tell me the basis for your
11 opinion that that has been misinterpreted as ensuring
12 the right of return.

13 A. Okay. It's a long story. First, it's a
14 General Assembly resolution, which, of course, doesn't
15 have any obligatory force, only recommendation.

16 Secondly, it refers to refugees. It
17 doesn't talk about Arab refugees. There -- there
18 was a similar and later a larger number of Jewish
19 refugees that were expelled from the Arab states.
20 So this appeals to them as well.

21 Thirdly, he talks about the earliest
22 practicable date. Practicable date is practicable.
23 It's not, you know, a day that it can be agreed.
24 Practicable date means within the process of a
25 general peace because the entire resolution deals

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1 as a right of return. But in '48, when it was issued,
2 they didn't get it as such.

3 Q. When you say "the Arabs," who are you
4 referring to?

5 A. The PLO, the Arab states.

6 Q. Is it your contention that, by referencing
7 Resolution 194, any politician -- any Palestinian
8 politician that does so is calling for the annihilation
9 of the State of Israel?

10 A. Since the mid '60s or so, yes.

11 Q. But before that, the call was for something
12 different?

13 A. Before that, they still demanded their return.
14 Return for them was the destruction of the State of
15 Israel. But Resolution 194 was not invoked to this
16 end because they objected to it, because they knew
17 that it was not about giving them any such right.

18 Q. Okay. But after 1967, every reference to
19 the right of return or the United Nations Resolution
20 194 you read as a call for the destruction of the
21 State of Israel; correct?

22 A. Yes.

23 Q. You write on page 9 -- you write on page 9,
24 at paragraph 18, that:

25 "A long series of declarations, articles and

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1 with the ways to make peace between the Arabs and
2 the Jews to which the Arabs, of course, didn't accept.

3 And, most importantly, Article 11 continues:

4 "Instructs the conciliation commission
5 to facilitate the repatriation, resettlement, and
6 economic and social rehabilitation of the refugees
7 and the payment of compensation and to maintain close
8 relations with the director of the" U.N. -- "United
9 Nations Relief for Palestine Refugees and, through him,
10 with the appropriate organs and agencies of the United
11 Nations." (As read.)

12 So he talks about the return of some refugees,
13 Jews and Arabs, and the resettlement of others in the
14 Arab states or the State of Israel for this matter. And
15 this is, by the way, the way that the Arabs understood
16 it at that time. The Arabs understood that there is
17 no right of return here, which is why the Arabs opposed
18 this resolution at the time and continued to oppose it
19 all the way to the mid '60s.

20 Only in the mid '60s, with the Soviets and
21 the Third World realized, they managed to convince the
22 international community or parts of the international
23 community or parts of the educated strata in the West
24 that this resolution is about the right of return.
25 And since then, this resolution is perceived by them

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1 studies, published after the signing of the Declaration
2 of Principles, indicates time and again the Palestinian
3 perception of the 'right of return' as an integral part
4 of the diplomatic process."

5 Correct?

6 A. Yeah.

7 Q. And by acknowledging that it's part of the
8 diplomatic process, how does that relate to your theory
9 that the right of return is a call for the destruction
10 of Israel?

11 A. It indicates that -- basically, that the
12 diplomatic process has views to lead to the ultimate
13 goal of the implementation of the right of return,
14 which equals the destruction of the State of Israel.

15 Q. What is the significance to you that the
16 declarations were made after the signing of the
17 Declaration of Principles?

18 A. I mean, prior to the signing of the DOP,
19 the '93 agreement, they said it, but it didn't
20 contradict anything. It was their line in any case.

21 Here they, on the face of it, committed
22 themselves to something that should run -- would
23 be running in different directions. So that's the
24 significance.

25 Q. When was the Declaration of Principles signed?

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1 A. On the 13th of September, '93.
 2 Q. And so the first two things you cite to
 3 in footnote 17, which follows the sentence that talks
 4 about things published after the signing of Declaration
 5 of Principles --
 6 A. Uh-huh.
 7 Q. -- appeared before the signing of Declaration
 8 of Principles; correct?
 9 A. Yeah, days. But it was well-known that
 10 it's about to sign [sic]. I mean, the announcement
 11 was made, if I'm not mistaken, already in mid or late
 12 August. Everyone knew that it's going to be signed.
 13 And they're explaining the meaning of this.
 14 And they're hinting already now -- people like Hanan
 15 Ashrawi, who, again, is mistaken for a moderate -- that
 16 this declaration does not give up the right of return.
 17 Q. So your position is that, even before signing
 18 the Declaration of Principles, Palestinian officials
 19 were indicating that they had no intention to satisfy
 20 what they were about to sign; correct?
 21 A. That's what they said.
 22 Q. You cite to an article from Reuters dated
 23 July 1st, 1994, that quotes Hanan Ashrawi; correct?
 24 A. Yeah, I guess so. Where is it?
 25 Q. Look at footnote 17 --

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1 Palestine; correct?
 2 A. Yeah.
 3 Q. And you read into that quote that the third
 4 step is the destruction of Israel; is that right?
 5 A. Yeah.
 6 Q. The article also says later that President
 7 Arafat had offered Ashrawi a ministerial post in the
 8 PNA but that she turned it down, saying she would
 9 dedicate her efforts to a human rights watchdog that
 10 would monitor the PNA's record; correct?
 11 A. Correct. Yeah.
 12 Q. So she's not a PA or PLO employee?
 13 Is that fair?
 14 A. Not at the time. As far as I remember,
 15 she joined at a certain point. But on the whole,
 16 she was, you could say, unofficial capacity.
 17 Q. And in your view, her comments are still
 18 relevant to your conclusions about the PA and PLO?
 19 A. Yes.
 20 Q. Page 10 of your report, at paragraph 20,
 21 you write:
 22 "That the 'right of return' is" meant "to
 23 cancel out the effects of the '1948 occupation'" and
 24 "the establishment of the State of Israel itself."
 25 (As read.)

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1 A. Yeah.
 2 Q. -- the third source.
 3 A. The Reuters?
 4 Q. Yes.
 5 A. Uh-huh.
 6 MR. WISE: And this will be 294.
 7 (Defendants' Exhibit 294 marked.)
 8 Q. BY MR. WISE: This is the article you cite
 9 in footnote 17; correct?
 10 A. I have to see. If you refer to the right
 11 of return, then it's the article.
 12 Q. Look at the third paragraph.
 13 A. Yeah. (Examining.)
 14 Q. Ashrawi is quoted as saying, quote:
 15 "'We hoped that President Arafat's return
 16 would be to a free and independent Palestine. But
 17 his return embodies the greater Palestinian return and'
 18 this 'is the first step,' Ashrawi said at the Cairo
 19 airport." (As read.)
 20 Correct?
 21 A. Correct.
 22 Q. So the first step is Mr. Arafat's return;
 23 correct?
 24 A. Yes.
 25 Q. The second step is a free and independent

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1 Correct?
 2 A. Just a minute. Yeah.
 3 Q. And, again, I'm interested in the source
 4 of your opinions where you say, in the fifth-to-last
 5 line:
 6 "Palestinians and Arabs view the Israeli
 7 presence in those territories as representing only
 8 the most recent chapter in a continuous story of
 9 'occupation' which began with the establishment
 10 of Israel in May 1948 on 'stolen land.'"
 11 The words "occupation" and "stolen" in
 12 quotations, why did you put them in quotes?
 13 A. Because this is the terms that they use.
 14 Q. Who is "they"?
 15 A. The Arabs, PLO.
 16 Q. When you say --
 17 A. Arab politicians, PLO politicians, PA if
 18 you want for this matter.
 19 Q. Okay. Define for me when, in the
 20 fifth-to-last line, you say "Palestinians and Arabs
 21 view," who are you defining as Palestinians and Arabs?
 22 A. By and large the -- the political echelons,
 23 the media, the academics, the -- the educated classes,
 24 if you like. But ordinary people as well to a large
 25 extent. But they are less relevant and more difficult

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1 to measure.
2 Q. When you say less relevant and more difficult
3 to measure, what metrics are you using to try to measure
4 what Palestinians and Arabs believe?
5 A. You mean in the final account? Decisions
6 are made by the ruling classes. The ordinary citizens,
7 even in democracies, often have very little impact on
8 their lives and even more so in non-democratic societies
9 of which, of course, the PA is one example.
10 Q. If you were discussing with me the views of
11 Israelis on the Peace Process, I take it that you would
12 tell me that that would be impossible to generalize
13 because there's a wide range of views among Israelis
14 about the process itself; correct?
15 A. Depends at what time. I mean, Israel is
16 a democratic society. You have polls being run here
17 on a regular basis. So when Oslo was signed, there
18 was almost wall-to-wall support for the agreement.
19 Then it declined in accordance with the growth of
20 terrorism since 2000. So you have a greater skepticism
21 and you have certain nuances. Yes.
22 Q. But it would be a gross oversimplification
23 to say Israelis believe the Peace Process is a positive
24 or Israelis believe that the Peace Process is a
25 negative; correct?

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1 A. Arafat was playing games for these years.
2 And at certain points, they brought him to the point
3 that he pretended to amend.
4 Q. On April 24th of 1996, the Palestinian
5 National Council amended the national charter by
6 canceling the articles that conflict with the
7 messages exchanged between --
8 A. Which --
9 Q. Well, let me just ask you this and tell me
10 whether you agree.
11 On April 24th, 1996, the Palestinian
12 National Council amended the national charter by
13 canceling the articles that conflict with the messages
14 exchanged between the PLO and the government of Israel
15 on 9 and 10 September, 1993; correct?
16 A. No.
17 Q. Not correct?
18 A. No.
19 Q. Look at your note 26, which refers to
20 paragraph 27.
21 MR. WISE: This will be 295.
22 THE WITNESS: Note 26.
23 MR. WISE: Can we mark this as 295?
24 (Defendants' Exhibit 295 marked.)
25 Q. BY MR. WISE: In note 26, you refer to a

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1 A. Correct. But if you say that most Israelis
2 accept the two-state solution and they've accepted
3 it for quite some time, this is not a generalization
4 that you cannot prove.
5 Q. The Palestinian covenant you cover starting
6 at page 13 -- strike that.
7 You actually start earlier. But let me
8 turn your attention to page 13, at paragraph 33,
9 where you write that, quote:
10 "More than five years of pressure were
11 necessary to overcome an infinite number of evasive
12 tactics by the Palestinian leadership."
13 With regard to the amendment of the
14 Palestinian covenant; correct?
15 A. Correct.
16 Q. You would concede that the covenant was
17 eventually amended; right?
18 A. No.
19 Q. When you say that it took more than five
20 years of pressure to overcome an infinite number
21 of evasive tactics, what do you mean by the word
22 "overcome"?
23 A. "Overcome," what it means? "Surmount,"
24 if you like.
25 Q. Okay.

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1 "Voice of Palestine," April 24th, '96; correct?
2 A. (Examining.) Uh-huh.
3 Q. Looking at what you've just been handed
4 as 295, call your attention to the third page in
5 the second column.
6 A. Third page, second column?
7 Q. Yes. I'm sorry. I'm sorry. Look at page 2
8 on the second column. This report suggested that:
9 "The PNC decides:"
10 "1. To amend the national charter by
11 canceling the articles that conflict with the messages
12 exchanged" --
13 (Court reporter clarification.)
14 Q. BY MR. WISE: Third-to-last paragraph:
15 "The PNC decides:"
16 "1. To amend the national charter by
17 canceling the articles that conflict with the messages
18 exchanged between the PLO and the government of Israel
19 on 9 and 10 September, 1993."
20 A. Yes. So?
21 Q. So my question is: You've cited this
22 document that reports that that was reported on
23 the Voice of Palestine; correct?
24 A. Correct.
25 Q. Okay. And that was a public communication

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1 that was broadcast across Palestine; right?

2 A. Yeah. But Arafat -- but you should read it

3 here. Arafat misrepresented this general announcement

4 and stated that the covenant is hereby amended.

5 Q. I'm asking about your source document. So

6 let me ask the question, and then you can answer the

7 question that I ask you. Okay?

8 The broadcast announced what we just -- what

9 I just read to you about amending the national charter

10 by canceling the articles that conflict; correct?

11 A. To amend sometime in the future. Yes.

12 Q. Okay. And the reference in that broadcast

13 to the messages exchanged between the PLO and the

14 government of Israel on 9 and 10 September, 1993,

15 referenced a letter from Mr. Arafat to Prime Minister

16 Rabin that read:

17 "The PLO affirms that those articles of

18 the Palestinian covenant which deny Israel's right

19 to exist and the provisions of the covenant which

20 are inconsistent with the commitments of this letter

21 are now inoperative and no longer valid."

22 Correct?

23 A. Correct.

24 Q. You'd agree that the letter read that text;

25 right?

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1 Q. In fact, in an article that you cite, Shimon

2 Peres indicated that they were aware that there was

3 a minority that would oppose amending the covenant

4 but they were hopeful that a prudent majority would

5 approve it; right?

6 A. Yes.

7 Q. You, in your report, accuse Arafat of delay

8 in seeking approval of this vote; right?

9 A. Yes.

10 Q. And the reason that Arafat stated that he

11 was unable to seek the vote was because members of

12 the PNC had not been allowed into Gaza; correct?

13 A. Correct.

14 Q. Coming out of Oslo I and the Declaration

15 of Principles, what commitments did Israel make with

16 the -- regard to the re-deployment of its military

17 forces?

18 A. I mean, the idea was that, within a certain

19 period of time, there would be three areas, A, B, C.

20 Area A would be an area completely under Palestinian

21 control, which was completed at the end of '95,

22 beginning of '96. Then later in Hebron, Netanyahu

23 completed it.

24 Then there was Area B in which the

25 Palestinians would have control basically, effectively,

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1 A. Yeah. If I wrote, so it does.

2 Q. Now, you understand that Arafat was not able

3 to unilaterally amend the charter?

4 A. Correct.

5 Q. That it had to be done by a vote of the

6 Palestinian National Council?

7 A. Yes.

8 Q. Which was a legislative body of the PLO;

9 right?

10 A. Yeah.

11 Q. And the amendment required an endorsement

12 by two thirds of the council's members; correct?

13 A. Correct.

14 Q. That was an understanding shared by Prime

15 Minister Rabin?

16 A. Correct.

17 Q. And -- and the statement that the PLO made

18 in the letter was that it undertook to submit to the

19 Palestinian National Council for formal approval the

20 necessary changes in regard to the covenant; correct?

21 A. Correct.

22 Q. It was known to the Israeli government at

23 the time that some members of the Palestinian National

24 Council would oppose amending the covenant; correct?

25 A. Yes.

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1 of their lives, but Israel would get responsibility

2 for security.

3 And then there is Area C where there are

4 hardly any Palestinian people but there is relatively

5 large territory. And Israel would control -- will

6 have full responsibility for the security.

7 Now, I don't remember the exact dates.

8 But Israel was supposed to move and re-deploy in --

9 according to mutually agreed dates in accordance

10 with the Palestinians' compliance with the obligations.

11 Q. And in your view, did Israel satisfy its

12 promises with regard to re-deployment of its military

13 forces that it made in Oslo I?

14 A. Yes.

15 Q. What about with regard to the release of

16 Palestinian detainees and prisoners, what commitments

17 did Israel make in Oslo I?

18 A. I don't recall at the moment.

19 Q. Do you believe that Israel satisfied the

20 obligations, the promises it made in Oslo I with

21 regard to the release of Palestinian detainees and

22 prisoners?

23 A. Yeah.

24 Q. You believe that Israel satisfied its

25 obligations with regard to the punishment of Israeli

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1 settlers for acts of violence and destruction of
2 Palestinian property in Oslo I?
3 A. I don't think it's in Oslo I. But Israel
4 normally punishes people who violate the law.
5 Q. So your view is that Israel --
6 A. Yes.
7 Q. -- satisfied those --
8 A. Yeah.
9 Q. -- those promises?
10 MR. HORTON: Make sure you let him get his
11 question out.
12 THE WITNESS: Okay.
13 MR. HORTON: It makes it very hard for the
14 reporter.
15 Q. BY MR. WISE: Was there a promise that
16 Israel made in Oslo I with regard to participation
17 and final status negotiations?
18 A. What was -- can you repeat, please?
19 Q. Yes. Was there a commitment that Israel
20 made in Oslo I with regard to participation and final
21 status negotiations?
22 A. I don't know what you mean.
23 Q. Was there language in Oslo I about the
24 participation of the PLO and Israel in the negotiations
25 of the final status of a Palestinian state?

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1 A. There was reference to the idea that the DOP
2 is for an interim period of five years and after this --
3 or during which the final status would be negotiated.
4 This is what you mean?
5 Q. Yes.
6 A. Okay.
7 Q. And in your view, did Israel satisfy its
8 commitments to participate in those discussions?
9 A. I mean, it never reached this stage.
10 Q. In your opinion, was there any promise Israel
11 made in Oslo I that it failed to satisfy?
12 A. Not that I'm aware of.
13 Q. What about Oslo II, were there any commitments
14 Israel made in Oslo II that it failed to satisfy?
15 A. I don't recall, obviously, all the small
16 articles and -- and the small prints. But let's put
17 it this way. Israel didn't renege or didn't violate
18 any of its commitments unless this was dependent on
19 Palestinian behavior which led to certain Israeli
20 behavior.
21 Q. And in your view, did Israel's actions with
22 regard to promises that it had made in Oslo I have
23 anything to do with what you describe as the PLO's
24 delay in amending the charter?
25 A. No, of course not.

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1 Q. We've discussed the April 24, 1996, vote
2 by the PNC to amend the charter by canceling the
3 articles that conflict with messages exchanged in
4 September 1993.
5 Let me refer you back to Exhibit 295,
6 which is a document that you cite in footnote 26 --
7 A. Yeah.
8 Q. -- correct?
9 A. Yes.
10 Q. And if you'll turn to the third page, there
11 is a broadcast from "Jericho Voice of Palestine" dated
12 April 25, 1996, on the second column.
13 Do you see where I am?
14 A. Yes.
15 Q. The article reflects that, in the second
16 paragraph, "U.S. President Bill Clinton praised the
17 decision," referring to the PNC's decision?
18 A. I don't see it. Page 3?
19 Q. Page 3, second column. Do you see the
20 paragraph that begins:
21 "The PNC decision" --
22 A. Yeah.
23 Q. And it reads:
24 "The PNC decision, which was adopted by
25 a majority of 504 votes, drew more positive reactions."

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1 A. Yeah.
2 Q. (Reading.)
3 "U.S. President Bill Clinton praised the
4 decision, noting that it will have a positive effect
5 on the Peace Process."
6 A. Yes.
7 Q. The paragraph before that discusses a call
8 made by the U.S. Secretary of State, Warren Christopher:
9 "To discuss the positive repercussions of the
10 decision adopted by the Palestine National Council ...
11 to amend the Palestinian national charter." (As read.)
12 Correct?
13 A. Yes.
14 Q. And in the last paragraph, it quotes Prime
15 Minister Peres as saying:
16 "The ... decision to amend the ... charter
17 will largely change the course of Palestinian-Israeli
18 relations, and described the decision as a historic
19 step." (As read.)
20 Correct?
21 A. Yes.
22 Q. Okay. You claim, in your report, that the
23 U.S. was duped by Israel?
24 A. By Israel?
25 Q. I'm sorry -- strike that.

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1 That the U.S. was duped by Arafat; correct?
2 A. Yeah.
3 Q. And I take it that you are referencing
4 comments like these from President Clinton and Secretary
5 of State Christopher when you say that the U.S. was
6 duped by Arafat?
7 A. Yeah.
8 Q. In December of '98 -- and now I'm on page 13
9 of your report, in paragraph 32.
10 In December of 1998, you reference a meeting
11 of PNC members and Palestinian Legislative Council
12 delegates in Gaza which was attended by President
13 Clinton; correct?
14 A. Correct.
15 Q. And this was the meeting where, by a show
16 of hands, the amendments to the covenant proposed by
17 Arafat were shown support by the -- by the attendees
18 of the conference?
19 A. Yes.
20 Q. Between April '96 and December of '98, did
21 the U.S. government ever discover that it had been
22 duped by Mr. Arafat in his April of 1996 statements?
23 A. I'm not sure. But let's put it this way.
24 I'm following more what the Palestinians are doing
25 rather than the Americas.

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1 Q. BY MR. WISE: Turn with me to page 26 and
2 paragraph 70.
3 At this point in your report, you are
4 discussing the Western Wall?
5 A. Yes.
6 Q. And on page 70, you write that:
7 "Arafat exploited the opening of a new exit
8 to an archeological tunnel under the Western Wall to
9 stir a wave of violence."
10 And at the end of the paragraph, you write
11 that:
12 "The opening of the new exit merely enabled
13 tourists to pass through the tunnel continuously and
14 was intended to increase the number of visits to the
15 site and thereby to be of benefit to the local
16 Palestinian merchants."
17 Do you see that language?
18 A. Yes.
19 Q. Is it your opinion that Israel opened the
20 tunnel to benefit Palestinians?
21 A. Among other things, yes.
22 Q. Would you agree that the decision that
23 Israel made was roundly criticized as unnecessarily
24 provocative?
25 A. Yes.

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1 Q. Okay. I'm asking you about your opinion
2 about the Americans, though.
3 A. I don't think they realized really or they
4 realized and try to change. I mean, this -- this is
5 the time that Netanyahu came to power also. Obviously,
6 there are whole other issues that diverted attention
7 from the charter.
8 Q. Did the U.S. --
9 A. The charter was not an issue so much during
10 these years.
11 Q. Did the U.S. ever take the position that
12 the charter had not, in fact, been amended?
13 A. I think the fact that Clinton eventually
14 pressured Arafat to do what he did in '98 indicated
15 that the Americans thought that the charter had not
16 been amended.
17 Q. Are you aware of any statement by any U.S.
18 government agency between 1996 and 1998, suggesting
19 that the position of the United States was that the
20 charter had not, in fact, been amended?
21 A. I don't recall.
22 MR. WISE: Can we go off the record for a
23 second?
24 MR. HORTON: Sure.
25 (Discussion held off the record.)

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1 Q. Which you attribute to the naivete of the
2 international media; correct?
3 A. And some of the Israeli press as well. Yes.
4 Q. You write in paragraph 76 at the middle --
5 A. Yes.
6 Q. (Reading.)
7 "The international media willingly accepted
8 the Palestinian misrepresentation of the crisis and
9 transformed the aggressor into the victim and the
10 victim into the aggressor."
11 Correct?
12 A. Yeah.
13 Q. And your cite for that is an article written
14 by Andrea Levin in the Middle East Quarterly?
15 A. Yes.
16 Q. Who is Andrea Levin?
17 A. She's the head of a group called CAMERA, which
18 monitors Western, particularly American, media responses
19 to the Arab-Israeli conflict.
20 Q. And who is the leader of CAMERA?
21 A. She is.
22 Q. When you discussed earlier your use of
23 sources, would you agree that Andrea Levin is not
24 a primary source?
25 A. Yes.

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1 Q. And is instead an advocate?
2 A. Sorry?
3 Q. And would you describe her as an advocate?
4 A. I mean, she's the head of a watchdog.
5 Q. The U.N. National Security Council -- the
6 United Nations Security Council censured Israel for
7 its behavior; correct?
8 A. Yeah.
9 Q. And the U.S. administration demanded that
10 Israel close the tunnel; correct?
11 A. I don't recall. But if you say so, I guess
12 you checked it.
13 Q. Well, let me ask you: In your report,
14 at paragraph 76, you write, the last two lines:
15 "The U.S. administration did not veto that
16 resolution and demanded that Israel make gestures to
17 the Palestinians, primarily the closure of the tunnel."
18 A. Okay. Yeah.
19 Q. Correct?
20 A. Okay. Yeah --
21 Q. Did Israel ever represent, in your knowledge,
22 to the U.N. or the U.S. that the reason for opening
23 the tunnel was to benefit Palestinian merchants?
24 A. I'm not aware of a secret or confidential
25 or private conversation preceding it. But it's

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1 that statements by Arafat and the PLO:
2 "Brought masses of Palestinians ... onto the
3 streets." (As read.)
4 Correct?
5 A. Yeah.
6 Q. What is your basis for concluding that the
7 individuals who came out to protest the Israeli opening
8 of the tunnel did so because of statements by Arafat
9 and the PLO?
10 A. Because they didn't come before these were
11 announced.
12 Q. Where were you living in 1996?
13 A. London.
14 Q. Did you interview any Palestinians who
15 participated in the demonstrations?
16 A. No.
17 Q. So your conclusion that the -- the folks who
18 came out to demonstrate did so because of the speeches
19 is based simply on the timing of the speeches and then
20 the commencement --
21 A. On the information that you read in the
22 press about what was happening, and you follow the
23 events. And there are reports afterwards, including
24 some Palestinian reports indicating the sequence of
25 events. Yes.

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1 mentioned here in one of these articles, 71:
2 "The opening of the tunnel ... took place
3 within the context of a previous Israeli-Palestinian
4 deal." (As read.)
5 So it wasn't a complete surprise sprung upon
6 the Palestinians.
7 Q. Yeah. I'm not asking if it was a surprise
8 to the Palestinians.
9 I'm asking whether, in your knowledge,
10 Israel ever communicated to the United Nations or
11 the U.S. that the reason that they were opening the
12 tunnel was to benefit Palestinian merchants?
13 A. Among others, to boost tourism. The
14 tourism basically benefits, in this particular part
15 of the city, the Palestinians.
16 Q. Okay. Let me -- let me try and make that
17 question clearer. I understand that's your view.
18 My question is whether, in your knowledge,
19 Israel ever communicated that view to either the United
20 Nations Security Council, which censured it, or to the
21 United States administration?
22 A. I'm sure Israelis passed the relevant
23 information. But I don't have a positive knowledge
24 that I can say.
25 Q. You state on page 27, in paragraph 73 and 74,

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1 Q. So it was based on the sequence of events?
2 A. Based on the sequence of events. It's based
3 on the reports of the media, what was happening on the
4 ground at the time.
5 Q. Can you quote to me a media source that you're
6 referring to?
7 A. All kinds of media sources. You have here --
8 I mean, you have here references in footnote 74 that
9 refer in this or that extent to this particular aspect.
10 But the Israeli press, the Arabic press, the British
11 press, the American press, this issue was widely
12 covered.
13 Q. Okay. But I'm specifically asking you if
14 you have support for the belief that an individual
15 who came out to participate in the protest of the
16 tunnel did so because of Arafat's speeches or the
17 PLO's speeches?
18 A. I cannot refer to a single individual. But
19 what I'm saying is that the announcements on its own
20 didn't bring the masses to the street. It's only when
21 the Palestinian media starts inciting, they are coming
22 or doing other things behind the scenes.
23 So if you look at these references, I
24 cannot recall every single reference of what is here
25 now. They -- some of them describe the sequence of

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1 events, and some of them had the facts that answer your
2 question. But there are many, many other sources that,
3 if need be, can be brought to substantiate this claim.
4 Q. Well, I understand that the sources that
5 you cited lay out the sequence of events between the
6 opening of the tunnel and various broadcasts and the
7 occurrence of protests.
8 My question is whether you have any basis
9 for saying that the individuals that were on the street
10 were there because of the speeches of Arafat, as opposed
11 to because of anger about opening of the tunnel?
12 A. As I said, what I can say is that, so long
13 as there was no incitement, there were no people on
14 the street, which implies that there was no anger.
15 Once the incitement began or once other measures
16 behind the scene begins, they came out. This, in
17 my view, indicates that this anger was basically
18 very much manufactured by the Palestinian Authority
19 and Arafat.
20 Q. Is it your view that the Palestinians who
21 came out to protest the opening of the tunnel were
22 not angry about the opening of the tunnel until they
23 were told to be angry by Arafat?
24 A. Why should they be angry? The opening of
25 the tunnel benefits most of them.

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1 statement he made about the Western Wall incident?
2 A. No.
3 Q. Just your general observation of him?
4 A. Yes.
5 Q. You on page 17, at paragraph 43, made
6 reference to the term "shahid" and "shahada."
7 Do you see that on the last five lines
8 of paragraph 43?
9 A. Yeah.
10 Q. And state that these terms:
11 "Are used with specific reference to
12 (and appreciation of) people who were killed as
13 a result of their involvement in terrorism or in
14 the perpetration of terrorist attacks (including
15 suicide bombings)."
16 Have you ever seen the term "shahid"
17 or "shahada" used where it did not involve the
18 perpetration of a terrorist attack?
19 A. Yes.
20 Q. On page 23, paragraph 58, you reference
21 an attack in Beit Lid junction; correct?
22 A. Page 23?
23 Q. Page 23, paragraph 58.
24 A. Yeah.
25 Q. Fourth line.

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1 Q. So your answer is "yes"?
2 A. That they're incited by Arafat? Yes.
3 Q. And were not angry on their own?
4 A. Most of them I think were not.
5 Q. You write on page 28, at paragraph 76,
6 referencing the end of paragraph 75, that there were
7 some 80 Palestinians killed. You say:
8 "As far as Arafat was concerned, this was
9 not a high price."
10 Do you see that at the beginning of 76?
11 A. Yeah.
12 Q. What is your basis for stating that Arafat
13 did not consider the death of 80 Palestinians to be
14 a high price?
15 A. That's my judgment based on his behavior
16 in this particular case, in previous cases, throughout
17 his career. He never considered Palestinian deaths
18 in violent interaction something that he cared about
19 if he thought it promoted a wider goal.
20 Q. Okay. So this is not tied to any specific
21 statements he made about the --
22 A. That's my judgment. Yeah.
23 MR. HORTON: Let him get his question out.
24 THE WITNESS: Okay. Sorry. Sorry.
25 Q. BY MR. WISE: It's not tied to any particular

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1 A. Fifty-eight.
2 Q. You make reference to January 22nd, 1995,
3 a suicide bombing at Beit Lid junction?
4 A. Yeah. Beit Lid junction. Yeah.
5 Q. And you write that it was:
6 "Obvious that Arafat's intention was
7 to praise the Beit Lid terrorist attack and its
8 perpetrators."
9 A. Yeah.
10 Q. Okay. You are aware that Mr. Arafat issued
11 a public statement condemning that attack; correct?
12 A. Right. Yeah.
13 Q. And that his advisor called the attack a
14 criminal event -- a criminal event intended to derail
15 the Peace Process; correct?
16 A. Correct.
17 Q. You don't reference either of those statements
18 in your report?
19 A. No. Because Arafat was speaking from both
20 sides of the mouth all the time.
21 Q. And what you report in -- what you present
22 in your report is one side of what he said --
23 A. No. I -- I --
24 MR. HORTON: Let him finish.
25 THE WITNESS: Sorry. Sorry. Yeah. I

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1 controlled myself. You see I stopped in the middle.
2 Yeah.

3 Q. BY MR. WISE: Well, you'd agree that you
4 didn't present, in your report, Mr. Arafat's denial
5 or the statement of his spokesperson; correct?

6 A. I acknowledge that I didn't say what Arafat
7 was saying to Western and Israeli audiences. I referred
8 to what he said to his own people, because this is what
9 he means. What he says to the West, to the Clintons,
10 to the Rabins, to the others is what he wants them to
11 believe. But that's not what he thinks.

12 Q. Okay. All I'm asking is: In your report,
13 you don't acknowledge the statements he made condemning
14 the attack; correct?

15 A. Correct.

16 Q. You just include your interpretation of
17 statements he made in his speech?

18 A. It's not my interpretation. It's what he
19 said at a certain point. And then, of course, all the
20 wiggling to get him out of what he said. I bring what
21 he said to his people, not the official statement that
22 he issued in order to get the pressure off his back
23 by Clinton and Rabin.

24 Q. When you write "it is obvious that Arafat's
25 intention was to praise the terrorist attack and its

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1 perpetrators," that is your interpretation of his words;
2 correct?

3 A. Just a minute. I said here Arafat praised
4 the terrorist attack to a cheering crowd. When this
5 was discovered, then Arafat's spokesman denied that
6 he said "we are all suicide bombers" and explained
7 that he had merely said that "we are all shahids,
8 martyrs."

9 Q. And when you say --

10 A. And then I assess -- I explain it.

11 Q. And when you say "Arafat himself praised
12 the terrorist attack to a cheering crowd," what
13 words did he use that you were citing to say he
14 praised the terrorist attack to a cheering crowd?

15 A. Here it says he denied that he said "we are
16 all suicide bombers." So he said "we are all suicide
17 bombers" to a cheering crowd. But when this came out,
18 then, of course, the denials and the statements to the
19 outside world were issued.

20 Q. And what's your basis for saying that he said
21 "we are all suicide bombers"?

22 A. You have a footnote here, among other places.

23 Q. And your --

24 A. He said this.

25 "Marwan Kanfani ... spokesperson ... denied

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1 that the 'ra'is' had said ... 'we are all suicide
2 bombers.'" (As read.)

3 So he denied. So, effectively, it was said,
4 and he denied that he said it.

5 Why didn't he deny that Arafat say "we
6 are all flower girls"? Because he didn't say it.
7 Arafat said a certain thing. And after it was said,
8 his spokesman immediately denied this. And then they
9 started issuing denials --

10 Q. Okay. So you --

11 A. -- which are irrelevant to this matter
12 because they'll obviously deny what he said.

13 Q. So your basis for claiming that he said
14 "we are all suicide bombers" is simply that one of
15 his spokesmen later denied that he said it; correct?

16 A. Among other things, that's what he stated
17 here. As I said, everything that is stated here you
18 have more evidence.

19 Q. And you don't quote the speech itself in
20 your report; right?

21 A. Right.

22 Q. And you don't acknowledge the denials in
23 your report; correct?

24 A. The denials to the West, not to his own
25 people.

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1 Q. You don't acknowledge the denials in your
2 report; right?

3 A. To the West. Because he didn't deny it
4 to the Palestinians. To the Palestinians, he said
5 what he said. He denies only when he was caught
6 red-handed and he denied it only to the West, not
7 to the Palestinians.

8 So the Palestinians got the message that
9 he said. Rabin and Clinton got a whitewash that they
10 can believe it or not believe. That's their business.

11 Q. And what is your view -- what is the basis
12 for your view that statements made to the Western media
13 were not known to the Palestinian people?

14 A. Because they don't follow the Western media
15 on the whole.

16 Q. None of the Palestinians follow the Western
17 media?

18 A. I wouldn't say none. I'm sure that Arafat's
19 immediate advisors know because they are those who
20 circulate it around the world. But the ordinary
21 Palestinian on the street doesn't follow the Western
22 media.

23 Q. What is your basis for saying that?

24 A. Following this society for a long time.

25 Q. You say:

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1 "It is no less obvious" --
2 Fourth line from the bottom of paragraph 58:
3 "It is no less obvious that this is how his
4 statement was interpreted by the Palestinians."
5 Correct?
6 A. Yes.
7 Q. Again, who are you referring to when you
8 say "the Palestinians"?
9 A. Ordinary Palestinians. Definitely the
10 Palestinian educated classes, but even ordinary
11 Palestinians.
12 Q. What is your basis for stating the opinion
13 about how Arafat's statement was, quote:
14 "Interpreted by the Palestinians."
15 A. Again, as I said, long-time observation
16 of Palestinian society.
17 Q. With respect to this particular speech and
18 this particular incident, do you have any firsthand
19 knowledge to support your claim of how Arafat's
20 statement was interpreted by the Palestinians?
21 A. Firsthand, you mean?
22 Q. I mean firsthand knowledge, yourself.
23 A. No.
24 Q. Page 23, paragraph 59, you cite to a
25 statement that Mr. Arafat allegedly made calling

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1 MR. WISE: If you could mark that as 296.
2 (Defendants' Exhibit 296 marked.)
3 THE WITNESS: Nice picture.
4 Q. BY MR. WISE: This is the Time magazine
5 article that you've cited in footnote 58 of your
6 report; correct?
7 A. Let's see. (Examining.)
8 Q. Do you recognize that as the article,
9 Professor?
10 A. Just a minute. Yes. I mean, even though
11 the page number I got it wrong in the report, yeah.
12 Q. And the article you cite quotes Arafat
13 as explaining -- and I'm in the third column, about
14 halfway down where it reads:
15 "Arafat explained that he had used 'jihad'
16 in its general sense to mean 'struggle,' in this case
17 a peaceful one, rather than 'holy war,' as Westerners
18 and Israelis usually interpret the word."
19 Correct?
20 A. Yes.
21 Q. Okay. And you didn't include Arafat's
22 explanation of his word in your report; right?
23 A. No. But every time he was caught red-handed
24 he came out with explanations.
25 In this case, the issue of jihad -- there

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1 for jihad to continue for Jerusalem.
2 Do you see that?
3 A. Yeah.
4 Q. And you interpret this as a call for terror
5 attacks?
6 A. I don't say specifically it was a call for
7 specific terror attacks. I'm saying that basically,
8 after they asked him to claim [sic] down terror attacks,
9 he went and, in a certain forum, expressed support
10 for violent struggle "until Jerusalem is liberated,"
11 quote, unquote.
12 Q. So you're reading the word "jihad" as a
13 synonym for "violent struggle"; correct?
14 A. Yes.
15 Q. And you've told us that you have reached
16 your opinions based on Arafat's words; right?
17 A. You mean in this particular case?
18 Q. I mean across your report. You said earlier
19 that you based your opinions on Arafat's own words;
20 right?
21 A. Yes.
22 Q. And I'm going to show you --
23 A. Among other things.
24 Q. I'm going to show you one of the sources
25 you use and cite in footnote 58.

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1 is a wider debate that certain apologists for terror
2 and violence try to whitewash the term "jihad" and
3 explain it as some kind of peaceful struggle for
4 self-improvement.
5 But this is not how "jihad" was perceived
6 throughout Muslim history from Mohammad all the way
7 to Arafat. When the Ottoman Empire called for jihad
8 against the British, they didn't mean that Turks
9 would sit in their room and think good thoughts.
10 They thought that they would go to the -- take arms
11 and fight the British and the Russians and the French.
12 And the same about Arafat. There is
13 no doubt that when Arafat uses "jihad," when you
14 follow it throughout the period, he means "jihad"
15 in a traditional sense that the Islamic religion means.
16 Q. You tell us in -- in your report what Arafat
17 means by "jihad"; right?
18 A. Yeah.
19 Q. But you don't cite what Arafat says Arafat
20 meant --
21 A. No.
22 Q. -- when he used the word; right?
23 A. What Arafat tries to say to people who caught
24 him saying the truth to his own people in private, he
25 tries to sell them an idea that it is not -- that he

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1 didn't mean what he means.
2 Q. I understand your --
3 A. It's like you find, you know, some guy
4 having your wallet in your [sic] hands, and then you
5 just find excuses to explain how your wallet got in
6 his hands. You didn't pick it from the pocket. It
7 fell from a tree. That's what Arafat is doing. [sic]
8 Q. I understand your position on Mr. Arafat.
9 My question is much more simple, and it is this.
10 You do not include in your report Mr. Arafat's
11 actual words describing what he means when he uses
12 the word; correct?
13 A. It's not his actual words what he means.
14 It's his attempt to get off the hook.
15 Q. He's quoted in the article that you cite --
16 right? -- as explaining what he meant by the use of
17 the word? Right?
18 A. No. He -- he's -- he's quoted as trying
19 to get Rabin off his back. Because, when it came out,
20 it was revealed what he said in this closed meeting,
21 which the other part was the Hudaibiya and this is
22 the jihad. There are two aspects to this -- to this
23 meeting. He said about Hudaibiya, and he said about
24 the jihad. Surprisingly, the jihad got much greater
25 flak because the term "jihad" is more understandable

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1 to Westerners than "Hudaibiya."
2 And then Rabin and Peres and even moderate --
3 I have it in the book to some extent, if you can --
4 you can later go and check. Some doveish members of
5 the Israeli government were talking: Look, if you go
6 like this, the Peace Process is going to stop.
7 And then Arafat said: No, no, no. I didn't
8 mean it this way. I just meant that the peace will
9 wait. I meant we'll get to Jerusalem by sitting home
10 and thinking good thoughts. And then Jerusalem will
11 be returned to us.
12 That's what he's talking to Rabin. He's
13 trying to sell these things. And Peres -- you know,
14 the Israeli government wanted to continue at the time.
15 So --
16 Q. I understand your --
17 A. -- they put up with this.
18 Q. I understand your interpretation. Let me
19 ask the question.
20 You say Arafat is quoted as trying to get
21 Rabin off his back; right?
22 A. Yeah.
23 Q. When you used the word "quoted," you don't
24 mean those were the words Arafat used?
25 A. I didn't say he was quoted. What I'm saying

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1 is what is quoted here is an attempt to get Rabin off
2 his back.
3 Q. And what his words are in this article you
4 do not acknowledge in your report? That's all I'm --
5 A. Because that's --
6 Q. -- asking you.
7 A. -- not what he said at the meeting. They
8 are irrelevant to the report.
9 Q. It's a "yes" or "no" question, Professor.
10 A. It's not, in my view, a "yes" or "no"
11 question.
12 Q. Okay.
13 A. It's more complicated. A "yes" or "no"
14 will present a misrepresentation of the situation.
15 Q. The words "Arafat explained that he had
16 used 'jihad' in its general sense to mean 'struggle,'
17 in this case a peaceful one, rather than 'holy war,'"
18 those words do not appear in your report; correct?
19 A. Correct.
20 Q. I'm going to ask you a couple questions
21 about this issue of how the Palestinians interpret
22 various statements, and then we'll take a break.
23 On page 29, paragraph 80, you cite a speech
24 Arafat made to an audience in Gaza and quote him as
25 saying:

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1 "Let us pray to Allah that he shall grant
2 us martyrdom."
3 Do you see that in the middle of the
4 paragraph?
5 A. Yeah.
6 Q. And your conclusion is:
7 "It is clear that Arafat's call to 'pray'
8 for Allah" and "to give 'martyrdom' to the Palestinians
9 referred to the perpetrators of terrorist attacks, and
10 even more specifically, to suicide bombers - and it
11 is no less obvious that this is how his statement was
12 interpreted by the Palestinians." (As read.)
13 Correct?
14 A. Yeah.
15 Q. Okay. Have you -- have you reviewed the
16 entirety of Arafat's speech?
17 A. Yes.
18 Q. And when did you review it?
19 A. At the time.
20 Q. In what form did you review it?
21 A. I don't recall at the moment exactly which
22 newspaper or media outlet it was. I brought a certain
23 reference --
24 Q. Okay. Well, you --
25 A. -- so to underscore.

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1 Q. You drop a footnote 77 to an article.
2 A. Yeah.
3 MR. WISE: Let's mark that as 297.
4 (Defendants' Exhibit 297 marked.)
5 Q. BY MR. WISE: This is the article that you
6 cite in your report as support for the quote:
7 "Let us pray to Allah that he shall grant
8 us martyrdom."
9 Correct?
10 A. (Examining.) Yeah.
11 Q. I take it, based on what you said at the
12 beginning of the deposition, that if you had access
13 to the actual speech, to the primary source material,
14 you would have cited that as your source for his quote,
15 not a media report; correct?
16 A. Yeah.
17 Q. Okay. And let me call your attention to
18 the second-to-last paragraph in the second column.
19 A. The second? Yeah.
20 Q. Right. If you look at the bottom of that
21 second-to-last paragraph, you'll see the quote:
22 "Let us pray to Allah that he shall grant
23 us martyrdom."
24 Correct?
25 A. I haven't found it yet, but I guess I'll

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1 find it. Yeah.
2 Q. Do you see the line in the last paragraph
3 that says:
4 "Nobel Peace Prize laureate Yasser Arafat" --
5 A. Yeah. Yeah. Yeah, I found -- I see.
6 Q. Look at the sentence right before that.
7 A. Yeah. Okay. Yeah.
8 Q. That is the reference that you are citing
9 to in your report; correct?
10 A. Yeah.
11 Q. You would agree with me that this media
12 report doesn't provide any other context about Arafat's
13 speech; correct?
14 A. Yeah.
15 Q. You -- it doesn't tell us anything about
16 the audience in Gaza to whom he was speaking; correct?
17 A. You have the audience there. But --
18 (Court reporter clarification.)
19 THE WITNESS: You have the -- the -- the --
20 you know, he said exactly to whom he was speaking,
21 to the -- to refugees basically in a refugee camp.
22 Q. BY MR. WISE: That's all you know about the
23 context of this speech; right?
24 A. Yeah.
25 Q. And yet you tell us in your report what

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1 Arafat, quote, "clearly meant"; right?
2 A. Yeah.
3 Q. And you tell us also that it's obvious how
4 Palestinians interpreted his speech; right?
5 A. Uh-huh. Yes.
6 Q. Okay. Page 30 of your report, at paragraph
7 32, you make reference to two attacks in Jerusalem.
8 I'm sorry. Did I say 32? I think it's
9 paragraph 82.
10 MR. HORTON: Page 30, paragraph 82.
11 THE WITNESS: Eighty-two.
12 Q. BY MR. WISE: The paragraph references two
13 attacks in Jerusalem; correct?
14 A. Yes.
15 Q. And you write that:
16 "According to Major General Moshe Ya'alon,
17 then head of the Israel Defense Forces Intelligence
18 Corps, there was no evidence that Arafat had personally
19 approved those specific terrorist attacks; nonetheless,
20 his obvious failure to fight an implicit encouragement
21 of terrorism had appeared to the Palestinian public
22 as permission to act."
23 Correct?
24 A. Correct.
25 Q. Again, when you say that there's -- when you

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1 say what -- what "appeared to the Palestinian public,"
2 what is the basis for your -- your opinion there?
3 A. That's what Ya'alon said.
4 Q. Oh, so now you're quoting Ya'alon about how
5 the Palestinians --
6 A. I am paraphrasing him. Yeah.
7 Q. Okay. What was his basis for opining about
8 how the Palestinian public interpreted Mr. Arafat's
9 actions?
10 A. I mean, he was the head of intelligence.
11 He had countless of -- pieces of evidence, starting
12 with people on the ground, spies listening, and so
13 on and so forth.
14 Q. I take it that's based on your understanding
15 of the IDF; correct?
16 A. Yeah.
17 Q. You did not speak with Major General Ya'alon
18 about this specific incident?
19 A. No.
20 Q. Or know why it is that he said that Arafat
21 had -- why he said that there was no evidence that
22 Arafat had personally approved these attacks; right?
23 A. Yeah.
24 Q. Obviously, there were two individuals that
25 carried out the two bombings; right?

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1 A. Yeah.
2 Q. Do you have any evidence that either of
3 those individuals heard any of the speeches made by
4 Mr. Arafat that you've cited in your report?
5 A. No.
6 MR. WISE: Why don't we take a break for
7 lunch.
8 MR. HORTON: Okay.
9 THE WITNESS: Okay.
10 (Recess from 12:14 p.m. to 1:16 p.m.)
11 Q. BY MR. WISE: Professor, before I get
12 back into this, did you discuss the substance of
13 your testimony with anyone during lunch?
14 A. (Witness shakes head in the negative.)
15 Q. Okay. When we --
16 A. No.
17 Q. "No." Okay.
18 MS. WEISER: I was just going to say --
19 MR. WISE: Thank you.
20 MS. WEISER: -- it's a good one to answer
21 out loud.
22 Q. BY MR. WISE: Let's turn to page 20 of
23 your report. And, specifically, I'm looking at
24 paragraph 51, which starts on 20 and then goes to
25 21. And in this paragraph, you claim that the PLO's
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1 commitment not to engage in violence faded away
2 after the signing of the Declaration of Principles.
3 And you cite to a number of statements
4 suggesting that the PLO and the newly formed PA
5 could not halt the Intifada; correct?
6 A. Yeah.
7 Q. And in each instance, the -- the speaker
8 that you are citing, in essence, was saying no one
9 could stop the Intifada so long as the Israeli
10 occupation continued; correct?
11 A. Yeah. That's the first Intifada we're
12 talking, not the second.
13 Q. Right.
14 A. Yeah.
15 Q. But what the speakers were saying was that
16 there was no way to stop the Intifada so long as the
17 occupation continued; correct?
18 A. Yeah.
19 Q. On September 9th of 1993, that was the
20 date of Arafat's letter to Rabin, saying that the
21 PLO renounces the use of terrorism and other acts
22 of violence; correct?
23 A. Yeah.
24 Q. And the next day, according to your quote
25 in paragraph 50, is when Arafat said in an interview:

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1 "No one has the power to stop the Intifada."
2 Correct?
3 A. Yes.
4 Q. Is it your opinion that -- that, within
5 the period of a day, that Arafat went from publicly
6 advocating for peace to publicly advocating for
7 violence?
8 A. No. I'm not saying this really.
9 What I'm saying is: He's indicating that
10 basically there may be certain things that he's not
11 going really to make effort to enforce, like the
12 Intifada.
13 Q. When you read his quote, saying that "no one
14 has the power to stop the Intifada," and later when you
15 quote "the Intifada will end when the occupation ends,"
16 you read those statements from Arafat to be advocating
17 violence or something different?
18 A. Indicating acquiescence with possible violence
19 during the so-called Peace Process.
20 Q. In the middle of paragraph 50, you quote
21 Arafat as saying:
22 "Naturally, we must expect events. We do
23 not have a magic wand, no more than the Israelis do.
24 We must bear with incidents here and there."
25 Do you see that quote?

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1 A. Yeah.
2 Q. The -- the language "bear with incidents,"
3 is that another, in your view, symbol that he will
4 acquiesce to violence?
5 A. Yes.
6 Q. You claim, in paragraph 51, that Abu Mazen
7 and Yasser Abd Rabbo gave what amounted to a carte
8 blanche to engage in terrorism; correct?
9 A. Let me see. Yeah.
10 Q. When you write a "carte blanche," to whom
11 do you believe the speakers were giving this carte
12 blanche?
13 A. Again, these are interviews basically. It's
14 not that he's inciting people specifically. But he's
15 hinting to the organizations that were opposed to the
16 peace -- to the peace treaty that was signed, like
17 Hamas, Islamic Jihad, and even to elements within the
18 PLO, the Fatah organization, and so on.
19 Q. And with regard to these statements that you
20 cite in paragraph 51, do you have any specific basis to
21 believe that these individual statements were directed
22 at Hamas, Fatah, or the other groups you've named? Or
23 is that just part of your general opinion that these
24 statements were meant to be signals?
25 A. No. The -- the -- the latter. This

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1 general -- the statements were an indication of what
2 they thought and how they thought, the entire process.
3 Q. In paragraph 51, when you write that Abu Mazen
4 explained -- I'm on the second line of paragraph 51 --
5 explained "that the Intifada would go on as long as the
6 occupation existed," can you tell me what your source
7 was for that quotation?
8 A. The one in 51, you mean?
9 Q. Yes. The second one in 51.
10 A. I mean, I put these sources there. We
11 can check them now and see exactly which belongs
12 to which. But --
13 Q. Okay. But it's your belief that that
14 would have been pulled from one of the two sources
15 in footnote 47?
16 A. Yeah.
17 Q. Okay. Do you know how Abu Mazen was defining
18 the word "intifada" in that statement?
19 A. I don't think he defined it necessarily.
20 I mean, people referred to it because, in a way, it
21 began in late '87 and it was in its dying phases when
22 the Peace Process was launched. On the Israeli side,
23 there was an assumption it would stop immediately.
24 But Arafat tried to, you know, pour cold water on --
25 on this assumption. And you see that others thought

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1 say popular mass demonstrations. But, very quickly,
2 the organizations responded to it, and then terror
3 attacks began. But, overall, over the years of the
4 Intifada, the real Intifada, '87 -- December '87 up
5 to -- I don't know -- maybe Oslo in '93, terrorism
6 was relatively low, and the Israeli casualties were
7 relatively low.
8 The second -- okay. You see, I don't view
9 the second event as an intifada. We use the name for
10 lack of another term. I call it "war of terror," which
11 I think provides a better definition of what it was.
12 Q. Okay. Well, let me ask you, then, about --
13 A. So it doesn't have any peaceful element
14 about it in general, in my view.
15 Q. Okay. In -- in the references that you
16 are describing in this portion of your report where
17 we're talking about the 1993 through 1996 period,
18 when you are seeing the use of the word "intifada"
19 by a Palestinian official, are you reading that as
20 a call to violent resistance?
21 A. Yes. Because it speaks, quite specifically --
22 even in this early statement that we quoted by Arafat
23 in 50, he said that:
24 "We must expect events. We do not have a
25 magic wand."

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1 so as well.
2 Q. Was the term "intifada" sometimes used as
3 a general reference to the Palestinian struggle against
4 the occupation?
5 A. I mean, the term "intifada" first appeared
6 in what happens in the territories since late '87 and
7 represented -- I mean, it means like "uprising." Again,
8 you can go to the etymology of it. But it means like
9 "uprising."
10 What happened in the territories in the
11 late '80s, early '90s, came to be known as "intifada."
12 And in a way, I believe that it was an intifada in
13 the sense that you had a good measure of -- of -- of
14 popular activities. Of course, the groups capitalized
15 on it, Hamas and, to a lesser extent, the PLO and all
16 of these. But it was basically a public event, unlike
17 the second one, which we are debating now.
18 Q. You would agree that at -- that "intifada"
19 encompassed a range of activities against the
20 occupation, ranging from peaceful strikes all the
21 way to suicide bombings; correct?
22 A. Not really. I mean, the -- "intifada"
23 itself doesn't mean anything apart from, as I said,
24 "uprising." But the first Intifada, when it started,
25 was -- it was never completely peaceful, but you could

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1 So yes, of course, they don't refer to the
2 peaceful element.
3 Q. And you're bringing the same reading of the
4 term "intifada" to the statements in 51; correct?
5 A. Yeah.
6 Q. Okay. Let me ask you about the statement
7 about Yasser Abd Rabbo. You say he:
8 "Categorically denied that 'the mutual
9 recognition document between Israel and the PLO
10 contains any Palestinian pledge to stop violence.'"
11 A. Yeah.
12 Q. And then conclude that that was evidence
13 of a carte blanche for terrorist attacks; correct?
14 A. Yeah.
15 Q. Okay. And you cite to footnote 47 for that
16 quote; correct?
17 A. Uh-huh. Yes.
18 Q. And I'm going to show you what we're going
19 to mark as 298.
20 (Defendants' Exhibit 298 marked.)
21 Q. BY MR. WISE: And I'll direct your
22 attention to page -- well, let me first ask you if
23 you recognize on page 1, in the second column, that
24 this is the document that you cited in your report
25 as "Jordanian Television in Arabic," September 24,

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1 1993?

2 A. Here it's 9/22nd. So I'm not sure. I

3 have to read it now.

4 Q. Okay. Do you --

5 A. It's a different date. So let me read.

6 Q. Okay.

7 A. (Examining.)

8 Q. Would you agree with me that, at the top of

9 the page at least, it has the date 24 September, '93?

10 A. Yeah.

11 Q. And it reflects a --

12 A. Yeah. But you see sometimes they -- they

13 translated it a few days later. So the actual was 24,

14 so it can be.

15 Q. Okay. Turn to -- turn to page 6 of this

16 document. And I think, in the first column, you

17 will see the language to which you were citing in

18 your report.

19 A. Okay.

20 MR. HORTON: Just to be clear, you're

21 referring to number -- to page 6? It starts at page 2?

22 MR. WISE: Correct.

23 MR. HORTON: The one that says "6" on it?

24 MR. WISE: The page that says "6."

25 MR. HORTON: Thank you.

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1 yeah, reluctance to see the end of violence.

2 Q. Do you read from that statement a reluctance

3 to see the end of violence?

4 A. Yes. For sure. I mean, the Intifada was

5 launched as a popular movement. In this respect, he's

6 right. What he doesn't say that, very quickly, it

7 was basically expropriated by the various organizations

8 that use it as a cover for extensive terrorist activity

9 against Israel and, by the way, against Palestinians.

10 I mean, more Palestinians were killed by Palestinians

11 during this Intifada than by Israelis.

12 Q. I understand. My question, though, is --

13 A. What -- he's feigning innocence. He says:

14 Look, it's a popular movement. We cannot stop it.

15 Yes, you can. You did. You took control

16 of it quickly after it began, and you can turn it

17 down whenever you want. But the fact that you said

18 that you cannot do it is just a cover-up to your lack

19 of readiness to do so.

20 Q. Okay. So this is your conclusion based on

21 the circumstances; correct?

22 A. Yeah.

23 Q. But you'd agree with me that nothing in

24 what Mr. Abd Rabbo is quoted as saying suggests that

25 he desires to see the Intifada continue; correct?

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1 Q. BY MR. WISE: Do you recognize this as the

2 interview that you were citing?

3 A. Probably, but let me just read. (Examining.)

4 Probably yes.

5 Q. Okay. So in this interview, Mr. Abd Rabbo

6 was quoted as saying -- and I'm now in the fourth

7 paragraph:

8 "They, the others, and the whole world know

9 the intifada is a broad popular movement launched as

10 a result of occupation. This movement was not launched

11 by anyone's decision. It will not stop because of

12 anyone's decision or after a word here or a word there

13 that anybody can interpret as he wishes. The intifada

14 is a" broad "popular movement that began as a result

15 of occupation." (As read.)

16 Is that the comment that you are referencing

17 as advocating terrorist attacks?

18 A. Not really. But it does convey the same

19 message.

20 Q. In referring --

21 A. Because I don't see the -- I don't see the --

22 the same quote here. But --

23 Q. I'm sorry. You don't see what?

24 A. I -- I don't see the same -- the -- the

25 same quote that I brought. But, basically, it conveys,

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1 A. No. He said that the Intifada will continue

2 until the occupation will continue [sic], which what

3 he's saying is that it doesn't matter what agreement

4 we saw. The Intifada, which by this time had morphed

5 into a violent exercise, will continue. So expect

6 violence so long as you have occupation.

7 Q. Okay. And your thesis is that that was

8 a desired goal of the PLO at this point -- correct? --

9 to see the continuation of violence?

10 A. I mean, the PLO basically signed the

11 agreement with a certain strategic goal in mind.

12 That's my argument.

13 The extent of violence that each particular

14 point and which is the perpetrator and what you do,

15 this depends on the circumstances. So I'm not

16 saying that Arafat wanted terror activities to

17 begin immediately after he signed.

18 But, basically, what I'm saying is that,

19 at the time that he sent this 9th of September letter

20 to Rabin, at the same time, he said and other people

21 say things that contradicted the essence of this,

22 namely, their commitment basically to eliminate

23 violence from the Palestinian scene.

24 Q. And you're saying that that commitment was

25 not genuine?

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1 A. Yes.

2 Q. Okay. The description of the Intifada that

3 Mr. Rabbo gives is in the last sentence of that quote

4 where he says:

5 "It will end when the occupation is over,

6 when the youths of Jabaliyah, Jenin, or Nablus do not

7 see an occupation presence to attack with stones. When

8 the Army is out of their sight, intifada activities

9 will stop."

10 Do you see that sentence?

11 A. Yeah.

12 Q. Okay. You'd agree with me that, in his

13 description of the Intifada, Mr. Abd Rabbo is not

14 describing acts against civilians; correct?

15 A. Yeah.

16 Q. Or suicide bombings; right?

17 A. Yeah.

18 Q. The -- let's turn to page 25 of your report.

19 And specifically at paragraph 67, you write:

20 "At this stage, there were already many

21 members of the Palestinian leadership, including

22 Abu Mazen, Abu Alaa, Nabil Shaath, and Yasser Abd

23 Rabbo, who had threatened to rekindle the Intifada

24 and the violence."

25 Do you see that sentence?

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1 security sources that are cited in this report?

2 A. No.

3 Q. Do you know the actual statements that were

4 made by Abu Mazen that are characterized as threatening

5 to resume the Intifada?

6 A. We may have to look at other sources as well.

7 But it's not implicit in this.

8 Q. As you sit here today, do you have reason

9 to believe that you relied upon more than what you've

10 cited in your report as your source for the claim

11 that many members of the Palestinian leadership had

12 threatened to rekindle the Intifada and violence?

13 A. As I said, I mean, for everything that is

14 here there is many that are not. If I had a direct

15 [sic], I might have brought it or not, you know. But

16 I think this is revealing enough for this purpose as

17 well.

18 (Court reporter clarification.)

19 THE WITNESS: Revealing enough. This is

20 strong enough.

21 Q. BY MR. WISE: And I take it that if, as you

22 wrote the report, you had Abu Mazen's actual statement

23 in front of you, you would have cited to that rather

24 than a news report summarizing it; correct?

25 A. I assume so.

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1 A. Yeah.

2 Q. Okay. And as support for that, you cite

3 a Voice of Israel radio broadcast?

4 A. Yeah. Several things, yeah.

5 Q. Let me show you what we'll mark as 299.

6 (Defendants' Exhibit 299 marked.)

7 Q. BY MR. WISE: And I will refer you to

8 page 3 of this document, the second column.

9 Just so that we understand clearly, is

10 this the -- the report that you are citing?

11 A. Again, I'll read it and see. Could be.

12 Could be others as well. But let me read it.

13 MR. HORTON: This is from the Voice of

14 Israel cite?

15 THE WITNESS: Yeah. That's the Voice

16 of Israel, the first one. (Examining.) Yeah.

17 Probably yes. Yeah.

18 Q. BY MR. WISE: So let me ask you: Did

19 you -- the article references an Israeli radio

20 broadcast.

21 Did you hear the radio broadcast itself?

22 A. No.

23 Q. No?

24 A. (Witness shakes head in the negative.)

25 Q. Did you speak with any of the Israeli

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1 Q. Now, you also state, in that same paragraph,

2 that Abu Alaa had made threats to rekindle the Intifada

3 and the violence; correct?

4 A. Yes.

5 Q. Let me show you what we'll mark as No. 300.

6 (Defendants' Exhibit 300 marked.)

7 THE WITNESS: (Examining.) By the way,

8 all these statements are made within a very short

9 time after Netanyahu came to power. So he didn't

10 have really time to renege on any agreement or do

11 anything contradictory to the agreement. In fact,

12 he sent his advisor, Dore Gold, to speak to Abu Mazen

13 and to indicate his intention to continue the Peace

14 Process.

15 So these are very early statements, which

16 basically tried to show to Netanyahu: Look, if you

17 don't behave in a certain way and you don't do want

18 we want, you'll have violence.

19 Q. BY MR. WISE: In your view, I take it

20 Netanyahu was being sincere when he said that Israel

21 was totally committed to the Peace Process --

22 A. Netanyahu didn't like the Peace Process.

23 There is no doubt about this. I indicate it in

24 my book at some length. I mean, he wrote a book

25 originally. And he -- he warned against the Oslo

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1 process from the beginning. He thought it's a bad
2 process, it's a process that basically it's a fraud.
3 That's what he thought.

4 I mean, personally I didn't think so at
5 the time. I mean, I was a supporter of Oslo. So
6 any argument that I was supporting from the beginning
7 doesn't hold water.

8 But Netanyahu became Prime Minister, and
9 Israel signed the agreement. And he had to keep an
10 international agreement. So he was aware of this,
11 and he wanted to keep the agreement while, at the
12 same time, reducing the damage to Israel's interest
13 as he perceived it.

14 Q. But, in your view, was Netanyahu's declaration
15 of commitment to the Peace Process genuine?

16 A. Yeah. But, again, in a more limited way.

17 Q. And as these statements are being made in
18 September of 1996 --

19 A. No. This is even in June, what I'm saying.
20 It's immediately after he came to power. So they
21 didn't really give him a chance, but they knew his
22 views. So, in a way, they were trying to threaten him:
23 If you don't do this and this, there will be violence.

24 Q. And, in your view, were the interpretations
25 of Netanyahu's intentions that you've assigned to

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1 the PLO leaders reasonable given his prior statements
2 coming out against Oslo?

3 A. The PLO got used to the Israeli government
4 turning a blind eye to incessant violations and to
5 incessant acts of terrorism and were afraid that
6 Netanyahu would not acquiesce in it.

7 So in this respect, to an extent, they're
8 right. But this, again, doesn't give them the right
9 to threaten violence, which is contradictory to the
10 agreement.

11 Q. Okay. Let's get back to the text.

12 You said, in the report, that Abu Alaa had
13 threatened to rekindle violence; correct?

14 A. Yeah.

15 Q. And on -- if you look at page 6 of document
16 300, I believe you will find, in the second column,
17 the source that you've cited in your report.

18 Am I right?

19 A. Yeah, I don't see the footnote.

20 Which footnote was it?

21 Q. I think if you look at --

22 A. Jerusalem. Tel Aviv.

23 Q. -- 65.

24 A. In 65? Yeah. Could well be. Yeah. Yes.

25 Q. And in this article is the statement, in

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1 the first paragraph, that Abu Alaa has said:

2 "If the Likud expands the settlements, he
3 said, this will be the end of the Peace Process."

4 Correct? Is that the quotation that you
5 were referring to when you -- when you wrote that
6 Abu Alaa had threatened to resume the Intifada?

7 A. Yes. You can understand it from here. But
8 I'm not sure that's the only one. Because, again, I
9 have to read the entire, you know, documentation and
10 the footnote, if it's mentioned somewhere else. But
11 yes.

12 Q. Throughout your report, you use the phrase,
13 quote, "struggle until" --

14 A. Victory.

15 Q. -- "victory"; right?

16 A. Yeah.

17 Q. Is that a phrase that is in official PLO
18 statements?

19 A. Yeah. It's basically Fatah. That's the
20 slogan of Fatah since --

21 Q. What is the word that is used for "struggle"?

22 A. "Muquawama" normally.

23 Q. And in your understanding, is that a word
24 that connotes violent struggle?

25 A. Yes, of course. "The day of the armed

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1 struggle," quote, unquote.

2 Q. So the Arabic word, in your understanding
3 of it, includes an element of "armed" or "violent"?

4 A. What they called "armed struggle," which
5 is in the -- or in numerous PLO, Fatah decisions,
6 resolutions, documents. And you have it in the
7 Palestinian charter, in fact, the armed -- armed
8 resistance, armed struggle is the only way to
9 liberation. "Armed struggle" means effectively
10 terrorism.

11 Q. Okay. And I'm focusing with you on the
12 word "armed." And I'm asking if the word "armed"
13 is part of the word in Arabic that you have described?

14 A. Where? Here? I mean, I refer to "armed
15 struggle" many times, I think, in this section.

16 Q. Right. But let's back up a second.

17 Because often you refer to the phrase
18 "struggle until victory" --

19 A. Yeah.

20 Q. -- correct?

21 A. That's one thing.

22 Q. Which you read as "armed struggle"; right?

23 A. Yeah.

24 Q. Okay. The word itself in that phrase, you've
25 given me in Arabic?

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1 A. The word itself doesn't necessarily imply
2 violence, but it --
3 Q. Okay.
4 A. -- implies a struggle.
5 Q. Okay. Let's look at page 24, at paragraph 61
6 of your report.
7 A. Which paragraph? Sixty-one?
8 Q. Paragraph 61 on page 64 [sic] where you are
9 referring to Nabil Shaath.
10 MR. HORTON: Sixty-four?
11 THE WITNESS: Twenty-four, he means.
12 MR. WISE: Page 24. Right.
13 THE WITNESS: Yeah.
14 MR. WISE: Paragraph 61.
15 THE WITNESS: Yeah.
16 MR. HORTON: Sixty-one. Sorry.
17 THE WITNESS: Yeah.
18 Q. BY MR. WISE: And you describe him as:
19 "Another supposed moderate and supporter
20 of the Oslo process."
21 Right?
22 A. Yeah.
23 Q. And then you quote from a Jerusalem Post
24 article dated March 25th [sic] of 1996?
25 A. March 15th. Yeah.

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1 you meet people who say things in private that
2 basically they don't say in public, the Palestinians
3 when you sit with them. Even though his son said it
4 in public, in classes even. We had sometimes arguments
5 and --
6 Q. How old was the son?
7 A. The son was in his mid 20's. He was way
8 up and going in -- in Palestinian leadership, in the --
9 let's say in the Shaath family.
10 What -- what I personally found a bit
11 alarming -- but, as I said, at the time I was a
12 supporter of Oslo -- is that it's not this kind
13 of rebellious son who wants to defile the father
14 and present the opposite view, so the father is a
15 "peacenik" and I am a true believer in the Palestinian
16 old credos.
17 He was talking, you know, quite frankly.
18 I mean, he didn't say that Israel would be destroyed.
19 But he said: Look, the right of return. We want all
20 to go to our places and this and that. And my father
21 yearns to the day he can go to Safed. And, you know,
22 Safed is a small -- a very small place. And Shaath,
23 in the standard of living that he has been accustomed,
24 on the basis of Palestinian money that was expropriated
25 from the orphans and the widows, would never go to live

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1 MR. WISE: Can we mark this as 301?
2 (Defendants' Exhibit 301 marked.)
3 Q. BY MR. WISE: Have you personally met
4 Nabil Shaath?
5 A. No. But I had the pleasure of teaching his
6 son in London.
7 Q. Okay. Did you ever talk with his son about
8 his father?
9 A. Yes.
10 Q. And what did the son say about his father?
11 A. Not only about his father, about the Peace
12 Process, about the entire situation. And, in fact, it
13 was the beginning of my -- even though it took a longer
14 time afterwards -- the beginning of my disillusionment.
15 Because the son spoke in a much more extremist way than
16 the father spoke publicly. And you --
17 Q. Do you know whether --
18 A. -- come to understand eventually that he
19 wasn't a rebellious son. So, I mean, for me it was
20 again one of these little shocks. But I was still --
21 I'm talking about '94. I was still a supporter of
22 the Oslo process at the time.
23 Q. And this -- you said this started your
24 disillusionment?
25 A. It was one of these sons. Because you --

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1 in Safed, not in a million years.
2 But you see for -- for the rhetoric of his
3 sons, so you see that that's really the -- the -- the
4 atmosphere that he -- he gets it or -- again, I'm not
5 bringing it as proof, you know. But it's an indication
6 that things are not always what they look on the
7 outside.
8 Q. Did the son hold any position in the
9 Palestinian Authority or the PLO?
10 A. Not that I'm aware of.
11 Q. Okay. Let me ask you this. Because you
12 cite to this Jerusalem Post article, and I've handed
13 you 301. You recognize this as the article that you
14 cite for his quotation?
15 A. (Examining.) It seems so. Yeah. Yeah.
16 Q. In the article, it described Shaath as a:
17 "Political moderate and dedicated advocate
18 of the Oslo process."
19 Do you see that in the third line?
20 A. Yeah.
21 Q. And you -- you describe him as a "supposed
22 moderate" --
23 A. Yeah.
24 Q. -- and drop the word "dedicated."
25 Is that based on your interactions with his

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1 son?
2 A. Not only.
3 On my interpretation of the process when
4 I came to do the research.
5 Q. Okay.
6 A. You see, again, up to a certain point, I
7 was a supporter of Oslo. At a certain point, when
8 I reached the conclusion that Oslo is not what it
9 seemed, then I went and did my research, which took
10 as much as it took. And I wrote the book as a result
11 of this, and I reached my conclusion.
12 So it's based on my research and my
13 observations when I looked at the process retroactively
14 with different eyes and more critical views.
15 Q. Often in your report you cite verbatim to
16 newspaper articles; correct?
17 A. Yeah.
18 Q. And sometimes you cite to a paraphrase of
19 the article; correct?
20 A. Yes.
21 Q. In this instance, you've paraphrased the
22 article; right?
23 A. No. You mean about the moderate?
24 Q. Well, the writer wrote that he was a --
25 A. I didn't paraphrase. I --

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1 speech?
2 A. No.
3 Q. Do you know whether he was speaking in Arabic
4 or English?
5 A. No. But I would assume he spoke in Arabic.
6 Q. Do you know the context of the speech other
7 than it was at a Nablus symposium?
8 A. No.
9 Q. Okay. You -- in the second line of paragraph
10 61, you say that Mr. Shaath:
11 "Similarly threatened to return to the 'armed
12 struggle.'"
13 Correct?
14 A. Which paragraph is it?
15 Q. The second line of paragraph 61.
16 A. Yeah.
17 Q. And by placing the words "armed struggle"
18 in quotation marks, did you mean to suggest that they
19 were Mr. Shaath's words?
20 A. No. I mean, I'm using the PLO, the Fatah
21 terminology.
22 Q. Okay. Because you know that he himself did
23 not use the phrase "armed struggle"; correct?
24 A. Yeah.
25 Q. He referred to "struggle and strife"; is

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1 MR. HORTON: Hold it. You're talking at
2 the same time.
3 THE WITNESS: Yeah, yeah, yeah. Sorry.
4 Q. BY MR. WISE: My -- my point is only this.
5 The writer described him as a dedicated
6 advocate of the Oslo process. You described him as
7 an advocate; right? Correct?
8 A. (Witness nods head in the affirmative.)
9 Q. You have to say "yes" or "no."
10 A. Yes.
11 Q. Okay. And you included the word "supposed"
12 in front of the description of him as a "political
13 moderate"; correct?
14 A. Yes. But even he didn't say he's a political
15 moderate. The author said "known as a political
16 moderate."
17 Q. Okay.
18 A. So "known" is that people think he is.
19 He's known by reputation. So even he doesn't say
20 necessarily. But even if he did, so he was wrong.
21 Q. What was the Nablus symposium that's referred
22 to in this article?
23 A. It's one of the symposiums that he used to
24 hold.
25 Q. Okay. Did you ever view a recording of this

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1 that right?
2 A. Yeah.
3 Q. Page 31 of your report, at paragraph 85,
4 you reference --
5 A. But -- no, at the moment you can -- you
6 asked --
7 Q. Professor, you've answered the question.
8 MR. HORTON: Well, hold it.
9 MR. WISE: I'm asking another one.
10 MR. HORTON: If he's -- if he's not completed
11 his answer, he's allowed to complete his answer.
12 THE WITNESS: I didn't complete it. Because
13 you said he didn't refer to "armed struggle" as you
14 said. But if you read --
15 Q. BY MR. WISE: No, no.
16 A. -- a bit further --
17 MR. HORTON: Now, hold -- hold -- hold it.
18 MR. WISE: No, no, no. No. Phil, he can't
19 answer a question that's not on the table.
20 The question was: His words were "struggle
21 and strife"?
22 You answered: Yes.
23 MR. HORTON: He's -- Brian --
24 THE WITNESS: Yes, but --
25 MR. HORTON: I'm sorry. Andy, he's --

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1 THE WITNESS: -- he spoke about --
 2 MR. HORTON: He's going to finish --
 3 THE WITNESS: -- potential violence.
 4 MR. HORTON: -- his answer, or there won't
 5 be any more questions. Let him finish his answer.
 6 THE WITNESS: No, I mean, he spoke about
 7 struggle and strife. But if you go down a few lines,
 8 he specifically said: If Israel won't do this or that:
 9 "Then all the acts of violence will return,
 10 except that this time we'll have 30,000 armed
 11 Palestinian soldiers who will operate in areas
 12 in which we have unprecedented elements of freedom."
 13 So he clearly speaks about a return to
 14 violence.
 15 Q. BY MR. WISE: He used the word "struggle
 16 and strife"; correct?
 17 A. And all acts of violence by 30,000 armed
 18 Palestinians, which means people under the authority
 19 of the PA and the PLO.
 20 So here you take this document. It
 21 foreshadows the so-called 2000 Intifada, because
 22 it says specifically, four years before it broke out,
 23 that if the Israelis don't do what we want, we are
 24 going to revert to all acts of violence by 30,000
 25 armed Palestinians, who are our people, not Hamas,

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1 Q. One is a newspaper article from August 6,
 2 1997?
 3 A. Yeah.
 4 MR. WISE: Can we mark this as 302?
 5 (Defendants' Exhibit 302 marked.)
 6 Q. BY MR. WISE: Can you look at that
 7 document and tell me whether the quotation that you
 8 cite to is in that document?
 9 A. Well, you'll have to wait a bit. I mean,
 10 this is the kind of thing that requires some time.
 11 (Examining.) It takes time. I'm sorry about this.
 12 I must say that I haven't found it yet. So --
 13 Q. BY MR. WISE: Okay. And take a look at
 14 the footnote 82. It cites two sources?
 15 A. Yeah.
 16 Q. Would you agree with me that the second
 17 source predates the date of the speech cited in your --
 18 in your report?
 19 Correct?
 20 A. Uh-huh.
 21 Q. You have to say "yes" or "no."
 22 A. Yes. Yes.
 23 Q. So of the -- of the two -- the document I've
 24 handed you would necessarily be the one that would
 25 contain this quotation; correct?

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1 not Islamic Jihad. So he threatened direct violence
 2 by PA forces.
 3 Q. So in 1996, it is your testimony that Nabil
 4 Shaath is predicting four years later the outbreak
 5 of the Al-Aqsa Intifada?
 6 Is that your testimony?
 7 A. He's not even predicting. He's threatening
 8 that, if Israel won't do this or that, there will be
 9 an armed Intifada by 30,000 PA armed people.
 10 Q. Okay. Now turn to page 31 --
 11 A. Okay.
 12 Q. -- of your report.
 13 A. Which page?
 14 Q. Thirty-one, paragraph 85. You make reference
 15 to a speech of Mr. Arafat on August 5th, 1997, and
 16 quote him as saying:
 17 "We have a bigger battle ahead of us than
 18 anything that came before, and we are all living martyrs
 19 ready to renew our commitment to the path of the armed
 20 struggle on which we embarked many years ago."
 21 Correct?
 22 A. Yes.
 23 Q. Okay. Your cite is to foot -- on footnote 82
 24 is to two documents; correct?
 25 A. Yeah. Yes.

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1 A. It might not. But let's put it this way.
 2 When I looked at the document at home, I saw it there.
 3 But I can't find -- if we'll get -- later I'll produce
 4 you this --
 5 Q. Okay.
 6 A. -- sentence.
 7 Q. Page 16, paragraph 41 of your report --
 8 A. Page 16, paragraph 41.
 9 Q. -- you write that:
 10 "The official media of the PA make great
 11 efforts, albeit in a manner fraught with dualism and
 12 internal contradictions, to minimize the Holocaust,
 13 if not to deny it altogether."
 14 A. Yeah.
 15 Q. Do you see that?
 16 A. Uh-huh.
 17 Q. What is your basis for this claim?
 18 A. I mean, statements, repeated references to
 19 the events in Palestinian media.
 20 Q. Okay. Other than the -- what you've cited --
 21 A. Yeah.
 22 Q. -- from Abu Mazen in the early '80s, can
 23 you cite to me another example of the official media
 24 of the PA denying the Holocaust?
 25 A. I can't recite at the moment. But there

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1 are quite a few. So it won't be difficult to produce
2 if you wish.
3 Q. Okay. When you say "dualism and internal
4 contradictions," what are you referring to?
5 A. What I'm saying is that the entire argument
6 about the Holocaust used by the Palestinians and Arabs
7 is -- is full of contradiction. On the one hand,
8 they describe themselves repeatedly, well before the --
9 this period, as the victims of the Holocaust. Because,
10 supposedly, the Europeans wanted to atone for the crime,
11 they established the State of Israel, which supposedly
12 led to the dispersal of the Palestinians.
13 On the other hand, they argue that the
14 Palestinians didn't -- that the Holocaust didn't really
15 exist or, if it existed, it was a much more minor issue.
16 So the two really don't make sense together because,
17 if the Holocaust didn't exist, the Europeans wouldn't
18 have any reason for guilt for the Jews, leaving aside
19 that they never really had their regret about this,
20 many of them, and they didn't feel obliged to establish
21 the State of Israel for this reason.
22 But even if you accept these two arguments,
23 they are self-contradictory. That's what I mean.
24 Q. When you describe the "official media of
25 the PA," what specific outlets are you referring to?

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1 A. One of the articles, I guess, that was quoted
2 here. But --
3 Q. Well, do you see --
4 A. -- I cannot remember now.
5 Q. Do you see a citation to that quote in your
6 report?
7 A. Sorry?
8 Q. Do you see a citation to that quote in --
9 A. No. Just you have these phrases that you
10 take from something.
11 Q. Okay. But you'd agree with me that, based
12 on the report, I can't figure out where that was taken
13 from --
14 A. Yeah.
15 Q. -- right?
16 A. I mean, you can see the general footnote
17 and then check and then see. But, yeah, now it's
18 more general. So it's difficult to say which one.
19 Q. Tell me which general footnote refers to --
20 A. Thirty-nine.
21 Q. -- the quotation.
22 Thirty-nine refers to the quotation of people
23 who called Mohammad --
24 A. Refers --
25 Q. -- a liar?

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1 A. The radio, television, newspapers that are
2 controlled to this or that extent by the Palestinian
3 media.
4 Q. And are all radio and television broadcasts
5 in the Palestinian territory controlled by the PA?
6 A. The official media, yeah. I mean --
7 Q. You say --
8 A. -- radio, television. Definitely there are
9 several newspapers by the Palestinian Authority. In
10 any case, it's not a democratic regime. So even in
11 the case of those newspapers who are maybe officially
12 not controlled by them, their line is very much dictated
13 by the Palestinian Authority.
14 Q. On page 17, paragraph 42, you write about
15 Palestinian children, quote:
16 "They are inculcated with the idea that Jews
17 have always been, and still are, uncompromising enemies
18 of Islam, people who 'called Mohammad a liar and denied
19 him, fought against his religion in all ways and by all
20 means, a war that has not yet ended to this very day.'"
21 The -- the quotation phrase, starting with
22 "called Mohammad a liar," why is that in quotation
23 marks?
24 A. Because I took it from some article.
25 Q. And what article was that?

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1 A. Refers to the paragraph preceding where it
2 is included. No?
3 Q. Well, footnote 39 is in paragraph 43; right?
4 A. Forty-three. Yeah.
5 Q. And the language we read is in paragraph 42;
6 right?
7 A. I thought it was in 43, when they are
8 inculcated. Aah. Aah, you're right. So there is
9 no reference for this. Yes.
10 Q. On page 33 of your report, at paragraph 91,
11 you are now talking about Sharon's visit to the Temple
12 Mount?
13 A. Yeah.
14 Q. And on the third line, you say that Arafat
15 exploited the Friday sermon, the Friday prayers;
16 correct?
17 A. Yes.
18 Q. And in this paragraph, you cite in footnote
19 88 at the end to a Washington Post article; correct?
20 A. Yeah.
21 (Defendants' Exhibit 303 marked.)
22 Q. BY MR. WISE: This is 303 I'm handing you.
23 Do you recognize that as the article cited
24 in footnote 88 of your report?
25 A. (Examining.) Yes.

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1 Q. Let me refer you to page 3 of this document,
2 which refers to the sermons. Specifically starting
3 at the second paragraph, the article reports --

4 A. Page 3?

5 Q. I'm sorry. Page 3, second paragraph,
6 references the Friday prayers that you talk about
7 in your report.

8 A. "In an angry mood," you mean?

9 Q. No. Sorry. The paragraph that begins with:
10 "The next day, immediately following Sharon's
11 visit."

12 A. Okay. Yeah. Which indicates, of course,
13 that the riots didn't begin on the day of Sharon's
14 visit. Sharon's visit passed peacefully.

15 Q. So here's my question. You write in your
16 report that Arafat exploited the Friday sermon at
17 Al-Aqsa; right?

18 A. Yes.

19 Q. The source that you cite does not suggest
20 that Arafat had any role in dictating the content
21 of that sermon; right?

22 A. The role refers to what happened. And you
23 add one and one, and you put a conclusion.

24 Q. So when you wrote that Arafat exploited,
25 that was your one and one addition; correct?

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1 man holding up bloody body parts of one of the dead,
2 screaming in the direction of the television cameras."

3 In your view, given how you've described
4 Palestinian incitement, if a Palestinian saw that
5 Israeli television broadcast, would the Israeli TV
6 station be guilty of incitement?

7 A. I think, in this case, it would be -- I
8 don't know guilty. It will be reporting a certain
9 event that may have a certain implication. The
10 question is, again, if it's shown within context
11 or how it's have context, what messages do you give.

12 The Palestinian television didn't report.
13 The Palestinian television used events or even nonevents
14 masqueraded as events in order to portray a certain
15 picture that will get the people to the street and
16 get them incited.

17 Israeli television, as is often in democratic
18 societies and free societies, they present what they
19 think they should present. Sometimes it may be
20 sensationally, and it can -- may have detrimental
21 effects. Sometimes it may be inaccurate. But it's
22 not definitely incitement in the sense that it's not
23 order, instructed, driven by the government or other
24 official establishment to project a certain picture
25 that serves your interest. Because this picture, as

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1 A. Yes.

2 Q. Okay. You state that -- in your report,
3 that Palestinian television -- do you see in the middle
4 of the paragraph --

5 A. Yeah.

6 Q. -- the bold word:
7 "Meanwhile, Palestinian television (the
8 official television station of the PA, which is
9 completely controlled by the heads of the PA and
10 the PLO) began to screen archive films of the first
11 Intifada (which had taken place in the late 1980s
12 and early 1990s)."

13 Correct?

14 A. Yeah.

15 Q. And this is part of your argument that
16 the PA and PLO were inciting violence that followed;
17 correct?

18 A. Part of it. Yes.

19 Q. If you look at page 2 of this article
20 303 and look with me at the sixth paragraph, which
21 references:

22 "An Israeli helicopter gunship in Gaza today
23 fired a rocket at an apartment building overlooking an
24 Israeli Army outpost, killing four Palestinians. This
25 evening, Israeli television broadcast images of a young

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1 you say, is definitely counterproductive to Israel's
2 interests.

3 Q. So if -- if a Palestinian television station
4 broadcast images of demonstrations that turned violent,
5 in your view, would that be incitement by the
6 Palestinian television station?

7 A. It depends. If -- if the Palestinian
8 territories were a free society and you have freely
9 working television and radio stations and a press,
10 then whatever they present has to be judged on an
11 ad hoc basis. Sometimes it may be incitement.
12 Sometimes not. But not official incitement.

13 Maybe it's like Al-Jazeera, for example.
14 Al-Jazeera definitely has a certain interest in
15 inciting at times to certain situations. Al-Jazeera
16 is controlled by the Qataris, and the Qataris have
17 their own elements. So they use Al-Jazeera. If
18 Al-Jazeera were freely independent, then it would
19 be on its own.

20 The Palestinians have never been independent,
21 and they present things in a certain way. If they --
22 put it differently. If the Palestinian media were
23 reporting objectively the situation, even if unpleasant
24 for Israel, then it wouldn't be incitement. But this
25 is not the case.

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1 Q. So imagine a situation where a Palestinian
2 and Israeli camera are next to each other, broadcasting
3 the same event. The Palestinian camera, under your
4 hypothesis, is there because the Palestinian government
5 controls the media. The Israeli camera is there because
6 it's part of a free, democratic society.

7 Would the broadcast that the Palestinian
8 camera was showing be incitement while the Israeli
9 camera is not? Is that your opinion?

10 A. No. What I'm saying is it depends how you
11 edit it. I mean, you have CBS there. The CBS is not
12 there because President Obama sent them and instructed
13 them to do A or B. They are there because they are
14 a commercial television who want to present the news
15 as they want.

16 Q. Okay.

17 A. They have their agenda. Sometimes they
18 may be anti-Palestinian or anti-Israeli. I don't
19 want now to -- to get into this picture. And they
20 make the picture of what they think is conducive to
21 their interpretation of this situation.

22 But the Palestinian Authority and the Israelis
23 may take the same picture, but in the Palestinian news
24 report, it will -- may be presented in a completely
25 different way than the Israeli one with a completely

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1 different interpretation in a completely different
2 context, with a lot of militant music in the background
3 and talk about shahids and so on and so forth.

4 Q. So let's eliminate all the editing and just
5 say the broadcast is broadcast out to the Palestinian
6 public and it's views of riots and views of violence
7 that follows.

8 Is that incitement to violence?

9 A. But this is not the way it's broadcast.
10 That's the point. Editing has everything to do about
11 this. That's why some people call it Pallywood, from
12 Hollywood. Pallywood. You know, Palestinian-wood,
13 Pallywood.

14 They don't present it the way that it was.
15 They use -- like most dictatorships before them, whether
16 in the Middle East or in other parts of the world, they
17 use the media as an organ of propaganda to promote their
18 regime's stand.

19 Q. Have you watched all of the broadcasts from
20 Palestinian television that you reference in your
21 report?

22 A. No.

23 Q. You write at paragraph 95, on page 35, that
24 after Sharon's visit to the Temple Mount, quote:

25 "The Palestinian leadership and the media

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1 under its strict control worked hard to ensure that
2 the Palestinians understood the final purpose of the
3 war, the destruction of the Jewish state."

4 Do you see that?

5 A. Uh-huh. Yes.

6 Q. Can you give me examples for how the media
7 worked hard to ensure that the people understood the
8 final purpose of the war?

9 A. I mean, obviously, again, through
10 interviews -- some of them I quote later -- with
11 Palestinian leaders whose statements of the leadership,
12 through songs and poems about -- talk about the
13 illegality of the Jews of the kind that MEMRI and
14 the PMW bring all the time. And, obviously, you may
15 argue that they are taken out of context. And through
16 various other messages, which basically delegitimize
17 the existence of the Jewish state on the plundered
18 Palestinian state.

19 I mean, this is something that goes all the
20 time. Again, I mean, in this report -- and even in the
21 book -- you know, it wasn't my intention to bring you
22 the -- the -- the overall picture. Because, otherwise,
23 this book will become really unreadable, not to speak
24 of this report. Because you'll just have to log one
25 case after another, one footnote after another. And

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1 now we'll be sitting, I don't know, with 3,000 footnotes
2 to -- to -- to -- to report instead of -- I don't
3 know -- the 30 or -- or 41.

4 Q. Have you had any discussions with any member
5 of the Palestinian media about how they choose the
6 content of what to broadcast?

7 A. I mean, I met members of the Palestinian
8 media -- again, I cannot mention names now -- in
9 conferences, in meetings. You know, you discuss
10 these things in general, obviously. But, obviously,
11 they tried to present themselves as independent as
12 possible.

13 So, I mean, it's not something that comes
14 out immediately and they said: Oooh. But on the
15 other hand, you have stories that you hear. And
16 sometimes people like Abu Toameh, the Palestinian
17 reporter of the Jerusalem Post at the time -- I don't
18 know what he's doing today -- or some others about the
19 way that the Palestinian Authority pressures, sometimes
20 by violent means, Palestinian journalists who stray out
21 of line. You hear stories of Palestinian journalists
22 who were hurtled into the -- the luggage compartment
23 of a car and taken to Jabril Rajoub's office and --
24 and being threatened and many other cases.

25 Q. Can you name for me a single person that

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1 you've spoken with personally about the issue of the
2 Palestinian leadership's control of the Palestinian
3 media?
4 A. No. I cannot at this stage.
5 Q. Page 35, paragraph 96, you refer to a, quote:
6 "Incessant stream of policy declarations,
7 press articles, and electronic media broadcasts,
8 which began during Camp David and intensified after
9 the outbreak of the hostilities, encouraged - more
10 precisely, incited - the Palestinians to sacrifice
11 their lives for the sake of the 'general good.'"
12 Do you see that?
13 A. Yeah. Yeah.
14 Q. And what are the declarations, press articles,
15 and electronic media broadcasts that you were referring
16 to?
17 A. Okay. I mean, you're right. I brought only
18 one reference at the end here, Palestinian television,
19 which most probably referred to the quote.
20 But as I said before, when I wrote the book,
21 I didn't write it with the assumption that one day, you
22 know, it will be in a Sokolow case. And if need be, the
23 next time we meet, I'll bring this in a special folder.
24 I'll read you one after the other.
25 Q. Okay. You agree with me they're not cited

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1 THE WITNESS: Yeah, yeah, yeah. I know.
2 I know. I started -- I mean, you know. We are already
3 edgy, off the record.
4 I can give you one example that, you know,
5 I'm sure you'll be able to find and, if you ask Itamar
6 Marcus, he'll be able to produce. There was this child,
7 Mohammad Al-Dura, who was supposedly killed by Israeli
8 fire on the French television.
9 At a certain point, certain journalists in
10 certain -- in France mainly, they -- they questioned --
11 they took them to court. And -- and, basically, a
12 court decided that it wasn't really the story, even
13 though eventually one of the people that took them
14 to court was fined because of some technicalities.
15 The Israeli Army recently came with an
16 extensive report showing that Al-Dura was a hoax.
17 And it's not entirely clear whether he was killed and,
18 even if he were, he wasn't killed by Israelis and so
19 on and so forth.
20 But the -- the point is that the Israeli
21 government didn't really at the time take proper
22 action against this to renege -- to negate it. And
23 the Palestinians made extensive use -- they made a
24 lot of video clips that they ran on television and
25 other means. There was no YouTube at the time.

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1 in your report, though?
2 A. They are not referenced.
3 Q. Okay.
4 A. They are cited, but not referenced.
5 Q. By "cited" you mean --
6 A. They are mentioned, but not referenced.
7 So I cannot now take you and say: Look, it's here.
8 Q. Okay. So you describe it in your text --
9 A. I describe, but I don't reference.
10 Q. -- but don't reference the basis for the
11 opinions?
12 A. Yeah.
13 Q. Okay. You have -- you say in the -- in
14 this sentence, though, that it incited:
15 "Palestinians to sacrifice their lives for
16 the sake of the general good."
17 Can you cite to me an example of a Palestinian
18 who sacrificed his life based on the media reports,
19 policy declarations, and electronic media broadcasts
20 that you --
21 A. I can't --
22 Q. -- reference?
23 A. I --
24 MR. HORTON: Make -- make sure he finishes
25 his question.

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1 And you -- you see Dura, and then you have
2 children singing and the angels coming and this whole --
3 whole Palestinian -- and somehow -- I saw at least one,
4 you know, clip like this many times, you know, one --
5 you know, the child is singing, and they -- they order
6 children to martyr themselves like Dura and so on and
7 so forth.
8 So yes, there was all the time these kind
9 of things. And it's not really very difficult to
10 produce them.
11 Q. BY MR. WISE: Okay. But let me ask you
12 the question again. Because you state in your
13 report that these things were intended to incite
14 Palestinians to sacrifice their lives for the sake
15 of the general good.
16 And my question is: Are you aware of a single
17 instance where a person who later, let's say, committed
18 a suicide bombing did so because they were incentivized
19 by a specific media report?
20 MR. HORTON: I'm going to object to the form
21 simply because you used the word "intended," which is
22 not a word that he used.
23 You may answer the question.
24 THE WITNESS: Obviously, if you are a suicide
25 bomber and you kill yourself, you cannot talk otherwise.

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1 Some of them were Hamas. They prepared videos before.
2 Some of them were members of Tanzim, which belongs to
3 the PLO.
4 So they did -- you have prisoners that were
5 caught that, for one reason or another, got cold feet
6 and didn't go along with their intended suicide bombing
7 or were caught prior to being able to do it. And,
8 definitely, quite a few of them admitted that they
9 were sent or -- or influenced by -- by the Authority.
10 Q. BY MR. WISE: Okay.
11 A. Now -- okay.
12 Q. Can you give me one example of a person who
13 did the act that they did, whether it was a suicide
14 bombing or a shooting, because they were incited by
15 the Palestinian media or these policy declarations
16 that you're citing?
17 A. No, I cannot at this stage. But I'm sure
18 if you go to prison and -- and you -- you will question
19 quite a lot of so-called prisoners -- some of them shot
20 and killed Israelis at the time that they were members
21 of the Palestinian security forces or members of the
22 PLO -- they'll definitely indicate that they got orders
23 from their superiors, as well as you have documents
24 that were caught at the time in two-oh-two and they
25 refer to certain documents.

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1 "Palestinian television (PLO), October 2,
2 2000."
3 This is one of the documents, I'll represent
4 to you, that has been indicated that can't be located.
5 Do you have any more information on these
6 every day broadcasts?
7 A. What do you mean "more information"?
8 Obviously, if I'll go back now to all
9 these sources and spend, you know, a few hundred
10 hours sitting, collecting materials, I'll produce
11 to you much more.
12 Q. As you prepared this report in 2013, did
13 you go back and consult with whatever information and
14 source material you had to find out whether there were
15 other broadcasts than the single date that you've cited?
16 A. No.
17 Q. Paragraph 97, you write:
18 "In well-edited interviews with 'ordinary
19 people' following the failure of the Camp David talks,
20 grassroots messages were screened throughout all hours
21 of the day and night. Some were messages of inane
22 praise."
23 Is there a specific interview or set of
24 interviews that you're referring to in that paragraph?
25 A. I mean, I quote several things. But you

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1 But you cannot come to a certain person and
2 definitely not in this kind of report or a book and say:
3 Oh, Mohammad from this and this village went to do it
4 because he was told on this and this day. This is not
5 the level of analysis that I go in this report.
6 Q. And you didn't yourself conduct those types
7 of interviews in jails that you've just referenced;
8 correct?
9 A. No. But I read quite a few.
10 Q. You are -- what you were doing when you were
11 talking about incitement is you were matching up the
12 time of various media reports and the time of some
13 violent act to conclude that one led to the other;
14 right?
15 A. Again, I mean, you know, all these are done
16 within the context of a non-democratic, repressive
17 regime that control a very small territory. There
18 is tens of thousands of armed people. And if they
19 incite and say certain things and send their people
20 to the street, that's what people do.
21 Q. So the answer's "yes"?
22 A. Yes.
23 Q. You write that PA television showed
24 confrontations between IDF soldiers and Palestinians,
25 quote, "every day." And you cite, in footnote 97:

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1 argue that this document cannot be found, which, again,
2 I don't understand why. Because, basically, you know,
3 Palestinian television, you go to FBIS, you go to
4 Hatzav, you go to PMW, I'm sure it's there.
5 Q. When you say that the interviews were, quote,
6 "well-edited," is that just based on what you've
7 described before as your general understanding of the
8 Palestinian media?
9 A. Of this -- yeah.
10 Q. Okay. Are you -- do you have any basis
11 to suggest that the interviewees were coached on what
12 to say? Is that what you mean?
13 A. When you read it, you get the impression
14 that it's coached. Yeah.
15 Q. Because of the content of what the speakers
16 are saying; correct?
17 A. And the -- the form and the contents. Yes.
18 Q. By "heavily edited," do you mean that what
19 you see in the interview is just clips of what someone
20 is saying and not the entire quotation?
21 A. Yes.
22 Q. And that causes you to doubt the authenticity
23 and reliability of those statements?
24 A. Yes.
25 Q. Let's talk about the sermons.

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1 Throughout the report, you suggest that
2 the sermons were incitements to violence that were
3 controlled by Mr. Arafat; correct?
4 A. Yes.
5 Q. Let's look at page 18. And if you'll turn
6 to paragraph 47, you cite to a sermon given by Mufti
7 Sabri on May 25, 2001.
8 Do you see that reference?
9 A. No.
10 Q. Look at the third --
11 A. In 47?
12 Q. Forty-seven.
13 A. Yes. Yes.
14 Q. Most of the way down the paragraph.
15 A. Yes.
16 Q. You state that:
17 "The tone and content of Sabri's ... sermon
18 were not unique in any sense of the word."
19 Have you listened to multiple sermons of
20 Sabri?
21 A. I've listened to a few, and I've read others.
22 Yeah.
23 Q. Okay. When you say these are "not unique,"
24 can you give me a sense of how many you think you've
25 listened to?

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1 A. I mean, he speaks every Friday. So -- and
2 not only him. There are many others who speak. Some
3 of them are transcribed. Some of them are not.
4 Q. And do you listen --
5 A. So there -- there would be dozens and dozens
6 of them.
7 Q. Okay. Did you -- have you listened to the
8 one that you've cited in your report, that you quote
9 from in your report?
10 A. I might have because it might have been put
11 on a clip.
12 Q. You don't have any specific recollection
13 of listening to it?
14 A. No. We're talking about ten years ago.
15 MR. WISE: Can we mark this as 304?
16 (Defendants' Exhibit 304 marked.)
17 Q. BY MR. WISE: You state in the report, at
18 paragraph 47, that Mufti Sabri called for, quote:
19 "The indiscriminate murder of Jews and the
20 destruction of the State of Israel."
21 Correct?
22 A. Forty-seven?
23 Q. Paragraph 47.
24 A. Paragraph 47.
25 Q. I'm sorry. It's on page --

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1 MR. HORTON: It continues on the next page.
2 THE WITNESS: Yeah.
3 MR. HORTON: It's on 19. That's what he's
4 quoting from.
5 THE WITNESS: Yes.
6 Q. BY MR. WISE: I take it that you read the
7 MEMRI document that you quoted?
8 A. (Witness nods head in the affirmative.)
9 Q. Look at the very bottom of the first page.
10 Do you see the language that is quoted,
11 saying:
12 "Oh, Muslims, when the Prophet sent the
13 army to Mu'tah, he gave them the following instruction."
14 A. (Examining.) Yeah. But you start from the
15 middle. Why don't you start from the beginning?
16 MR. HORTON: Well, let -- let him ask his
17 question.
18 Q. BY MR. WISE: Let me read you this section.
19 "Oh, Muslims when the Prophet sent the army
20 to Mu'tah, he gave them the following instruction:
21 'Conquer in the name of Allah, fight the enemies of
22 Allah and your enemies in Al-Sham [Syria]. You will
23 find innocent people there. Do not harm them. Do
24 not kill a woman. Do not kill a child. Do not uproot
25 a tree, and do not destroy a house.' This is our great

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1 Islamic" tradition. "It encourages good ethics and
2 high" morals "in days of peace, as well as in days
3 of war." (As read.)
4 Let me start by asking you: Do you have
5 any reason to believe that those words were not part
6 of the sermon?
7 A. No.
8 Q. Okay. You write in that same paragraph
9 that, quote:
10 "By controlling what was said at these
11 Friday sermons, Arafat found an extremely powerful
12 tool of incitement."
13 Right?
14 A. Yes.
15 Q. And you cite to a Jerusalem Report article
16 from March 23rd, 1995, in footnote 40; correct?
17 A. Yeah.
18 MR. WISE: Mark that as 305.
19 (Defendants' Exhibit 305 marked.)
20 Q. BY MR. WISE: This is the article that you
21 have cited; correct?
22 A. Let me have a look.
23 Q. Yes.
24 A. (Examining.) Yeah. It seems so.
25 Q. Okay. And in the third paragraph, the article

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1 states:
 2 "Preachers are using the pulpits to discredit
 3 the Peace Process, breed an atmosphere of hostility
 4 toward Israel and, indirectly, to criticize the workings
 5 and strategy of the Palestinian Authority itself."
 6 Do you see that?
 7 A. I haven't found it yet.
 8 Q. Sorry. Actually, it is the fourth paragraph
 9 that begins with "and since."
 10 A. The fourth. Yeah. Yeah.
 11 Q. Do you have any reason to doubt that --
 12 the accuracy of that statement?
 13 A. No.
 14 Q. Let's turn to page 29 of your report, at
 15 paragraph 81. You write that in -- in paragraph 81,
 16 you write that, in 1997, Arafat gave a "green light" --
 17 A. Yeah.
 18 Q. -- to Hamas to resume terrorist attacks
 19 against Israel. And you cite, I guess, on the next
 20 page at the end of the paragraph --
 21 A. Yeah. Seventy-eight.
 22 Q. -- to a number of documents.
 23 One of the documents that you cite refers to
 24 a Ministerial Committee on National Security Affairs;
 25 correct?

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1 Q. That's based on your knowledge of how the
 2 committee works; correct?
 3 A. How the system works. Yes.
 4 Q. Do you have any specific knowledge of what
 5 the ministerial committee received on --
 6 A. No.
 7 Q. -- 23 March, 1997?
 8 A. No.
 9 Q. In your -- in your history with the IDF,
 10 is it fair to say that often intelligence reports
 11 were based on hearsay that was learned on the street
 12 by agents?
 13 A. No.
 14 Q. Not correct?
 15 A. No. No, of course not. I mean, you have
 16 a lot -- the -- the entirety of -- of sources, and
 17 you make your assessment. You -- you -- you crisscross
 18 them. You compare them. You judge them. And then
 19 you write your report.
 20 Q. Were intelligence assessments ever
 21 incorrect --
 22 A. Of course.
 23 Q. -- in your experience?
 24 And do you have any knowledge, more than
 25 what you've cited forth in your report, for the

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1 (Defendants' Exhibit 306 marked.)
 2 MR. HORTON: Thank you.
 3 Q. BY MR. WISE: Okay. Do you recognize that
 4 document as one of the documents you cite in footnote
 5 78, specifically, I believe, the fifth document?
 6 A. (Examining.) Yeah. It's probably the one
 7 that refers to the Israeli television Channel 1. Yeah.
 8 Q. Okay. And then the first paragraph of text,
 9 it says:
 10 "The Ministerial Committee on National
 11 Security Affairs received a report today that the
 12 Palestinian Authority [PA] led the various terrorist
 13 organizations to understand that they have been given
 14 the green light to carry out terrorist attacks, an
 15 understanding which still exists and has not been
 16 changed."
 17 A. Yeah.
 18 Q. Do you know what information the committee
 19 received?
 20 A. It's, again, information by the intelligence,
 21 information by the Shabak, which is the internal
 22 security authority -- maybe it's translated in English
 23 the equivalent of the FBI -- which has a very in-depth
 24 knowledge of what's going on in the Palestinian
 25 territories.

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1 suggestion that Arafat gave the green light to Hamas?
 2 A. No.
 3 Q. One of the source documents that you cite
 4 quotes Dr. Ahmad Tibi as saying that:
 5 "The allegations about the green light were
 6 incorrect, groundless, and not true."
 7 I take it from your smile that you didn't
 8 include this because you found that to be incredible;
 9 correct?
 10 A. Ahmad Tibi is a mouthpiece of Arafat. So
 11 everything that will be discovered will be denied.
 12 Q. So when the Palestinian spokesman --
 13 A. It's a Pavlovian reaction.
 14 MR. HORTON: But let him finish his question.
 15 THE WITNESS: No, I didn't finish my answer.
 16 Q. BY MR. WISE: When the Palestinian spokesman
 17 gave a denial of the suggestion that there was a green
 18 light, you discounted that because of the source?
 19 A. When Ahmad Tibi talks?
 20 Q. Yes.
 21 A. Ahmad Tibi -- okay. You can define it
 22 Palestinian spokesman. He was not really a Palestinian
 23 spokesman. He was an advisor of sorts to Arafat.
 24 Q. Are there any Palestinian spokesmen in whom
 25 you would put trust if they made a public proclamation?

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1 A. It depends on what.
2 Q. Well, can you name for me one Palestinian
3 spokesman that you would credit in a circumstance such
4 as this?
5 A. In the circumstances such as this, I don't
6 think that we can really trust what they are saying.
7 Q. Let me show you a April 17, '97, Jerusalem
8 Report article that you cite in footnote 78, point 6,
9 in the discussion of the green light. We'll mark this
10 as 307, and then we'll take a break after this document.
11 (Defendants' Exhibit 307 marked.)
12 Q. BY MR. WISE: Do you recognize this as the
13 Jerusalem Report document that you've cited in your
14 report?
15 A. (Examining.) Yes.
16 Q. Okay. And in the second -- middle of the
17 second page, the author writes:
18 "Netanyahu - as Rabin did before him -
19 paints Arafat as almost all-powerful, able to smash
20 Hamas when he chooses and snuff out terror."
21 Then drop down a paragraph. Who is Carmi
22 Gillon?
23 A. Carmi Gillon was the head of the Shabak
24 or the internal security.
25 Q. Do you know what time period?

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1 A. It's defined here:
2 "Haifa University expert on Islamic movements
3 and Palestinian society."
4 Q. Do you agree with that description of Mr. Paz?
5 A. No.
6 Q. In what way?
7 A. I think certain people give Arafat -- cut
8 Arafat too much slack --
9 Q. Do you --
10 A. -- because of political views and delusions
11 that the Peace Process can be restored.
12 Q. Do you believe Paz is one of those people?
13 A. To one extent or another, yes.
14 Q. Do you think that he would not qualify
15 as an expert on Islamic movements and on Palestinian
16 society?
17 A. I don't want now to -- to pass judgment on
18 him. But he is definitely not a legal scholar. But
19 I don't want to past judgment on his qualification in
20 general.
21 Q. Okay. The article references Paz as saying:
22 "Israeli leaders mistakenly see Arafat
23 'too much like Mubarak and Hussein' who have strong
24 centralized control and are able to 'overcome public
25 opinion in their countries.'"

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1 A. Carmi Gillon, I think, was a very short
2 period. Because I think in the -- '94 probably to
3 '95 or '96, he was the one that Rabin was assassinated
4 under his watch. So he was deposed.
5 Q. Would you agree with me that Gillon had
6 access to some of the types of intelligence reports
7 that you've referenced during the day today?
8 A. Yes. But I agree to your later references
9 that intelligence people often misinterpret it and
10 make mistakes. And Gillon definitely --
11 Q. Okay.
12 A. -- doesn't understand exactly what was real.
13 Q. And in this article, the author quotes Gillon
14 as saying -- well, strike that.
15 He does not quote Gillon. He says that
16 Gillon:
17 "Raises questions about Arafat's capacity
18 to suppress Hamas completely. The fundamentalist
19 movement, he says, has a wide social base - rooted
20 in mosques, day schools and clinics - and is backed
21 by 20 percent of the Palestinians."
22 Look down two more paragraphs. Do you --
23 are you familiar with Reuven Paz?
24 A. Yes.
25 Q. Who is he?

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1 I take it, from your description of Paz,
2 that you would disagree with that statement?
3 A. I mean, I think it bothers me a second that
4 he compares Mubarak to Hussein. I mean, I wrote a
5 biography of Saddam Hussein. Saddam Hussein was a
6 much more dictatorial ruler than Mubarak. Mubarak's
7 control, as you realized some time ago, was not complete
8 or absolute.
9 Arafat had to control a much lesser territory.
10 He had the highest ratio of security forces per citizens
11 in the world. And he could definitely enforce his
12 policies on the territories. I don't say that he could
13 prevent Hamas from carrying out every one single terror
14 attack. That's, you know, maybe asking too much.
15 But the fact of the matter is that not only
16 did he not try to stop, but he collaborated with them
17 quite closely during those years, something that, by
18 the way, was recently acknowledged by a leading Hamas
19 leader. But I didn't bring the documents. But, again,
20 I can bring it in the future if need be.
21 But he acknowledges that Arafat basically was
22 collaborating with them. And I bring here examples as
23 well. So all these arguments whether he could control
24 them completely is completely irrelevant to my view.
25 Q. So it's not that you disagree with Paz. You

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1 just think that conclusion is irrelevant?

2 A. I disagree with Paz in the sense that he

3 thinks that Arafat's ability to enforce discipline

4 in the territories under his control was much weaker

5 than it actually was.

6 Q. Okay. And you --

7 A. If Arafat wanted, Hamas wouldn't have carried

8 out a tenth of the terror activities that had occurred

9 since 1993, and peace would have been far more advanced.

10 But Arafat didn't do it.

11 Q. In your --

12 A. Not because he couldn't. Because he didn't

13 want to.

14 Q. In your report, you don't acknowledge the

15 contrary opinions of Carmi Gillon or Reuven Paz?

16 That's fair; right?

17 A. In my report, I refer to what the Palestinian

18 leadership -- first and foremost, Arafat -- think and

19 say, not what some Israelis think the Palestinians said.

20 Q. So the answer is "no"?

21 A. The answer is "no," because it's not relevant.

22 MR. WISE: Let's take a break.

23 MR. HORTON: Sure.

24 (Recess from 2:45 p.m. to 2:56 p.m., after

25 which Mr. Hill was not present in the proceedings.)

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1 (Defendants' Exhibit 308 marked.)

2 Q. BY MR. WISE: Professor, let's start

3 with one housekeeping matter. And that is that,

4 at points during the deposition, when we've handed

5 you exhibits, you've put marks on them as you went

6 through them.

7 Just so the record's clear, any marks that

8 are on the documents are ones that you have placed

9 on the documents; correct?

10 A. Correct. Yeah.

11 Q. Okay. And you're welcome to mark them if

12 you'd like. Just know that the documents that have

13 the stickers on them become exhibits in the case and

14 so the marks that you put on them will be on those

15 exhibits.

16 A. Okay. Yes.

17 Q. Let's turn to the August of 1997 time period.

18 And I am looking at page 30 of your report, around

19 paragraph 83.

20 So let me ask you, independent of your report,

21 in August of '97, is it fair to say that the public

22 opinion of the Palestinian Authority in Gaza and the

23 West Bank was poor?

24 A. The public authority?

25 Q. The public opinion.

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1 The Palestinian Authority was having issues

2 at that time period in terms of their public approval?

3 Is that fair to say?

4 A. Yes.

5 Q. Okay. You cite in footnote 80, a document

6 from Financial Times; correct?

7 A. Correct.

8 Q. Okay. And I believe that that has been put

9 in front of you as the next exhibit.

10 Am I correct?

11 A. No.

12 Q. Okay. What did I do with that document --

13 A. Aah, yeah.

14 Q. -- 308?

15 A. Here it is. 308.

16 Q. Okay. So take a look at 308.

17 Do you recognize this as the Financial Times

18 article that you have cited in footnote 80 dated

19 August 29, 1997?

20 A. (Examining.)

21 Q. Professor, just looking at the title and

22 the date, do you recognize that as the document that

23 you're citing?

24 A. The date is the same. I just read the

25 article to make sure that --

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1 Q. Okay.

2 A. -- the facts are there.

3 Q. Well, let me pose a question to you because

4 maybe we can save some time.

5 In August of '97, it's fair to say that

6 Netanyahu has been in office now for approximately

7 a year?

8 A. A year plus. Yeah.

9 Q. And during this point, there's been a rise

10 in the pace of settlement construction; correct?

11 A. Actually not. I mean, Peace Now, which

12 is the Israeli peace movement, at a certain point

13 post factum, issued documents indicating that, under

14 Netanyahu, settlement building was not faster than

15 under Labor regimes.

16 Q. Would you agree with me that settlement

17 construction had continued under the first year of

18 Netanyahu's --

19 A. People live in settlements. They have to

20 build houses. Settlement construction at one point

21 or other continues all the time.

22 Q. So the answer's "yes"; right?

23 A. But not intensified. Continued.

24 Q. Okay. Continued.

25 Look at the last two lines of the article,

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1 which says:
 2 "Fatah, the largest faction in the Palestine
 3 Liberation Organization, last month challenged the PA,
 4 giving it one more chance to make the Peace Process
 5 work."
 6 A. Where is it?
 7 Q. The second-to-last line on the first page.
 8 A. First page?
 9 Q. Right.
 10 A. Which starts --
 11 MR. HORTON: Right there. (Indicating.)
 12 THE WITNESS: Yeah.
 13 Q. BY MR. WISE: It's fair to say that Fatah
 14 had publicly challenged --
 15 A. Yeah.
 16 Q. -- the Palestinian Authority at this point;
 17 correct?
 18 A. Yeah.
 19 Q. And the next sentence is a quote from Saeb
 20 Erekat, saying, quote:
 21 "There is no consensus among the Palestinians.
 22 Arafat is trying to forge one. It is not easy for him
 23 to do so when the Peace Process gives us nothing. It
 24 fuels the extremists on both sides."
 25 Correct?

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1 A. Yes.
 2 Q. Would you agree that Arafat was having
 3 trouble controlling Fatah at this point?
 4 A. No.
 5 Q. You believe that --
 6 A. Fatah? No.
 7 Q. You believe that the newspaper article --
 8 A. They didn't say that Arafat had problems
 9 controlling Fatah.
 10 Q. Okay. When you read the -- when -- the
 11 citation about Fatah challenging the PA, giving it
 12 one more chance to make the Peace Process work, do
 13 you believe that is incorrect?
 14 A. You could say so.
 15 Q. Okay. And what's your basis for believing
 16 that that statement in this newspaper report is
 17 incorrect?
 18 A. The PA is an extension of the PLO. Fatah --
 19 Fatah -- I start speaking Hebrew. Fatah is the -- the
 20 foremost -- like it's mentioned, the largest constituent
 21 organization of the Palestine Liberation Organization.
 22 So it's not an external organization in confrontation
 23 with the PA.
 24 All these notions that Fatah tries to
 25 influence the PA, to challenge it to make peace,

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1 that's nonsense. Because not the PA -- it's the PLO
 2 in its position, which, by the way, is emphasized and
 3 reemphasized by the Palestinian leadership. The PLO
 4 is defined by them as the identity of the Palestinian
 5 people. The PA is an extension of this identity. It's
 6 part of it with the special goals and -- and obligation,
 7 which is to run the territories, among other things.
 8 Q. So this conclusion in document 308 is one
 9 that you believe is incorrect?
 10 A. With referring to this paragraph that you
 11 mentioned, yes.
 12 Q. Okay. This is a document you cited in your
 13 report, though; correct?
 14 A. Yeah. But a document is fact and have its
 15 opinion. Some of the facts may be correct. Some may
 16 not be correct. Some opinions may be correct. Some
 17 may not. I take what is correct to my knowledge,
 18 based on my overall reading of other documentation,
 19 and I crisscross them.
 20 Q. You'd agree with me that the assertion that
 21 Fatah "last month challenged the PA, giving it one more
 22 chance to make the Peace Process work" is an assertion
 23 of fact in this article?
 24 Correct?
 25 A. This is assertion of fact, which I personally

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1 find a bit odd.
 2 Q. Okay. Page 21, paragraph 52, you write that
 3 Arafat was unwilling to condemn terrorist attacks by
 4 Hamas at the beginning of October 1993 and said, quote:
 5 "Have I asked Rabin to uproot the opposition
 6 on his side? If you respect their opposition to him,
 7 I also respect the opposition on my side."
 8 Do you see that?
 9 A. Yes.
 10 Q. And you cite that as evidence that Arafat was,
 11 I take it, implicitly encouraging attacks by Hamas;
 12 correct?
 13 A. I mean, I think it speaks for what it says.
 14 It says that Arafat refused to condemn terrorist attacks
 15 by Hamas.
 16 Q. Let me show you what we'll mark as 309.
 17 (Defendants' Exhibit 309 marked.)
 18 Q. BY MR. WISE: Do you recognize that as the
 19 New York Times article that you cited at footnote
 20 48?
 21 A. Forty-eight? Just a minute. (Examining.)
 22 If you want to save time, you tell me where it is
 23 quoted, and I'll find it.
 24 Q. Well, let me just ask you first whether this
 25 is the article that you cited in your report?

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1 A. Once I find the quote, then I'll tell you
 2 the cite of it.
 3 Q. Okay.
 4 A. This is the New York Times of the first date?
 5 Q. Right. Take a look at the second-to-last
 6 paragraph on the first page.
 7 A. Yes.
 8 Q. And that paragraph provides the context for
 9 this quote; correct?
 10 A. It provide the quote:
 11 "Have I asked Rabin to uproot the opposition
 12 on his side?"
 13 Yeah.
 14 Q. But it also discussions the context in which
 15 Mr. Arafat is making this quote; right?
 16 Take a look four paragraphs up where the
 17 paragraph begins "hand in hand." Do you see that?
 18 A. Yes.
 19 Q. Which reads:
 20 "Hand in hand with these assaults, Israeli
 21 soldiers have stepped up their search for Palestinian
 22 fugitives, concentrating for the most part on Hamas,
 23 but including in their dragnet armed" militias "from
 24 the Fatah wing of the PLO, which is led by Yasser
 25 Arafat." (As read.)

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1 Q. -- people?
 2 A. -- they are not. Because the PA -- the
 3 Palestinian Authority was not established yet. The
 4 Palestinian Authority was established in May '94.
 5 Q. You are right. When I said PA, I meant
 6 the PLO.
 7 Mr. Arafat, when he's making the --
 8 A. The PLO is still outside.
 9 Q. Okay. Mr. Arafat, when he's making the
 10 statement that you quote in your report, is referencing
 11 the Israeli incursions to make arrests; correct?
 12 A. I don't know what incursions. Israel was
 13 still in control of the Gaza Strip.
 14 Q. Well, according to this article at least,
 15 Israeli soldiers have stepped up their search for
 16 Palestinian fugitives --
 17 A. Yeah.
 18 Q. -- right?
 19 A. But it's not incursions. They just stepped
 20 up the search. They controlled these territories still.
 21 So what's the problem?
 22 If you have attack -- they said "hand in hand
 23 with these assaults." So there's assaults. Okay. So
 24 nobody could yet expect Arafat to prevent them because
 25 he is not physically in the territories. The PLO is

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1 "The manhunt, which led on Saturday to two
 2 Hamas members being killed and 16 others arrested in
 3 Gaza, has produced denunciations from Mr. Arafat and
 4 other PLO leaders who argue that Israel is violating
 5 the spirit of the agreement."
 6 Do you see that?
 7 A. Yes.
 8 Q. And the agreement, as referenced in the second
 9 paragraph of this article, is an agreement apparently
 10 between Israel and the PLO that was supposed to lead
 11 to the transfer of authority in the West Bank and Gaza
 12 from Israel to Palestine; correct?
 13 A. That's the -- what we call the Oslo --
 14 the 13th of September. This is a month after the
 15 signing of the DOP, the Declaration of Principles.
 16 So it refers to the DOP.
 17 But, of course, there is no violation of --
 18 pursuing terrorists is not contradictory to the
 19 agreement signed between Israel and the Palestinians.
 20 Q. Okay. As reflected in this article,
 21 Mr. Arafat's statement about "have I asked Rabin
 22 to uproot the opposition" is related to the Israeli
 23 efforts to go into territories that are supposed to
 24 be controlled by the Palestinians to arrest --
 25 A. No --

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1 still in Tunis.
 2 But what I'm saying is that he didn't
 3 bother to condemn these kind of things. And instead
 4 of condemning, he comes with a convoluted explanation
 5 that Israel has violated the agreement and he cannot,
 6 you know, ever ask Rabin to -- to do this or that.
 7 Q. Okay. So you -- I take it that you reject
 8 what you describe as the convoluted explanation;
 9 correct?
 10 A. Of course.
 11 Q. But Mr. Arafat put his quotes in the context
 12 of discussing the Israeli arrests; correct?
 13 A. Yes. Which are in accordance with the
 14 agreement.
 15 Q. And in your report, you don't reference
 16 that context at all; correct?
 17 A. Yes, because it's irrelevant -- because
 18 it's not relevant.
 19 You had terrorist attacks. So what do
 20 you expect Israel to -- to do when you have terrorist
 21 attacks? So to try to find the people who perpetrate
 22 them.
 23 What do you expect the Palestinians to do?
 24 To condemn it because they undertook --
 25 Q. I'm not debating --

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1 A. -- to --
 2 Q. I'm not --
 3 A. You don't have to mention every fact that
 4 is in an article. You take from the article the things
 5 that are relevant to your argument, and you don't take
 6 the things that are not relevant. Otherwise, you know,
 7 you'll just being plagiarizing article after article.
 8 Q. In this situation, you took the quote that
 9 supported your argument that Mr. Arafat was supporting
 10 Hamas; correct?
 11 A. Not supporting Hamas. I just showed that
 12 he doesn't condemn terror attacks two weeks after he
 13 signed an agreement -- a peace agreement and two weeks
 14 after he promised Rabin to eliminate violence from --
 15 from Palestinian territories.
 16 Q. And eliminated the context of his statement
 17 because you found it to be irrelevant to the point?
 18 That's fair; right?
 19 A. I don't eliminate the context. I said:
 20 Ask to condemn terrorist attack by Hamas. "Terrorist
 21 attack" is mentioned, and it's mentioned here --
 22 Q. Where --
 23 A. -- as "assaults."
 24 Q. Where in your report do you mention that
 25 Arafat's comment was in connection with a call on
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1 And your footnote --
 2 A. I didn't find it yet.
 3 Q. Okay.
 4 A. Where is it, you say?
 5 Q. Page 25, paragraph 66.
 6 A. Okay.
 7 Q. If you look about six lines from the bottom,
 8 you see a reference --
 9 A. Yeah.
 10 Q. -- to:
 11 "The Fatah youth organization (Shabiba),
 12 according to various reports, came to an agreement
 13 with Hamas with respect to coordinated attacks on
 14 settlers."
 15 Do you see that?
 16 A. Yeah.
 17 Q. And the footnote at the end references a
 18 Voice of Palestine (PLO radio) from June 11th and 13th?
 19 A. Yeah.
 20 Q. And I'm going to show you what we'll mark
 21 as --
 22 A. In Yediot Aharonot. So --
 23 Q. I'm going to show you what we're going to
 24 mark as 310.
 25 (Defendants' Exhibit 310 marked.)
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1 Israel to stop making arrests in territories that
 2 are supposed to be transferred in the West Bank and
 3 Gaza Strip?
 4 A. Why is this call -- why is this call by
 5 Arafat to act in contradiction to agreement he just
 6 signed relevant?
 7 What I'm saying is that there's terrorist
 8 attack by Hamas. Arafat just undertook to eliminate
 9 these kind of things. And instead of even saying,
 10 you know, some condemnation for them, he didn't say
 11 anything and blamed the people who suffered the
 12 attacks for trying to prevent them.
 13 Q. Okay. Professor, I understand your
 14 interpretation of the quote. My question is much
 15 more confined.
 16 And that is: In your report, you do not
 17 mention that Arafat's quote comes in the context of
 18 calling on Israel to stop the arrests; correct?
 19 A. I don't mention it because it's not relevant
 20 and it's contradictory to the agreement itself.
 21 Q. Okay. Page 25, at paragraph 66, you write
 22 that in 1996:
 23 "The Fatah youth organization ... came to
 24 an agreement with Hamas with respect to coordinated
 25 attacks on settlers." (As read.)
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1 Q. BY MR. WISE: I'll direct your attention
 2 to what -- what starts at the bottom of Column 1 and
 3 goes to the Column 2.
 4 Do you see that, attributed to the Jericho
 5 Voice of Palestine?
 6 A. (Examining.) Yeah. The June 11, yeah.
 7 Not June -- that's June 13th. Okay.
 8 Q. Do you see the reference in the paragraph
 9 that begins:
 10 "This statement came in response to a
 11 Ha'aretz report" --
 12 A. Yeah.
 13 Q. (Reading.)
 14 -- "citing Israeli" --
 15 A. Yeah.
 16 Q. (Reading.)
 17 -- "security sources on an alleged agreement
 18 between Hamas [Islamic Resistance Movement] and the
 19 Fatah youth movement, according to which they will
 20 carry out operations against settlers."
 21 A. Yeah.
 22 Q. That is, I take it, the source for your
 23 statement in the report?
 24 A. Yes.
 25 Q. Okay. The paragraph before that -- well,
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1 first of all, do you know -- did you ever read the
 2 Ha'aretz report?
 3 A. I don't recall. Could well be. But I
 4 don't recall.
 5 Q. Do you know who the Israeli security sources
 6 cited were?
 7 A. No.
 8 Q. So this is an un -- unnamed and unattributed
 9 report?
 10 A. Yeah.
 11 Q. Okay. The source you cite does contain a
 12 statement from the Fatah youth organization; correct?
 13 A. Yeah.
 14 Q. Saying that the organization, quote:
 15 "Is fully committed to the agreements signed
 16 between the PLO and Israel."
 17 A. Yeah. It would say it, wouldn't it?
 18 Q. And saying that, quote:
 19 "Such baseless reports seek to cause confusion
 20 and doubt Fatah's commitment to its pledges."
 21 A. Yeah.
 22 Q. Okay. You didn't include those denials --
 23 A. No.
 24 Q. -- in the text of your report; correct?
 25 A. Neither did I include that they denounced

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1 next page. I think that's where he is.
 2 THE WITNESS: Okay.
 3 Q. BY MR. WISE: Beginning the last line --
 4 A. Yeah.
 5 Q. -- on page 30, over to the next line
 6 on page 31.
 7 Correct?
 8 A. Yeah.
 9 Q. And you cite to a series of articles; right?
 10 A. Yes.
 11 Q. One is a Ma'ariv Weekly magazine article?
 12 A. Yes.
 13 MR. HORTON: We'll mark this as 311.
 14 (Defendants' Exhibit 311 marked.)
 15 Q. BY MR. WISE: This is the article that you
 16 were citing to; correct?
 17 A. I'm not sure. I have to read it.
 18 Q. Okay.
 19 A. I mean, the date, it doesn't -- doesn't
 20 seem to correspond. It says 20th of July. This is
 21 8th of August. But let me see what the contents are.
 22 (Examining.) Could well be. I mean, it
 23 talks about Arafat's, you know, pressure to arrange
 24 violence, to incite, you know, pressure on leading
 25 Palestinian leaders to generate violent activities

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1 the continued Israeli attempts to create justification
 2 and blah, blah, blah, which completely has nothing to
 3 do with reality.
 4 Q. Do you think that the denial of the report
 5 that you cite is relevant to considering whether the
 6 report itself is true?
 7 A. No. I think they were caught red-handed
 8 and they denied it. That's -- that's the pattern.
 9 You always catch someone. He comes before the judge.
 10 He says: I didn't do it. So we'll go through this
 11 routine many times.
 12 Q. Every denial, in your view, that's
 13 incompatible with your theory of Arafat's responsibility
 14 you find to be not credible; correct?
 15 A. Again, it depends on what we are talking
 16 about. But in these kind of things, when various
 17 activities -- illicit activities by the PLO is exposed,
 18 most of these denials are just an attempt to get away
 19 with this.
 20 Q. Okay. Page 30, starting at paragraph 84,
 21 you describe that Arafat formed a special squad of
 22 Palestinian policemen to fire on Israeli targets
 23 without causing fatalities; correct?
 24 A. I don't find it. But if you read, I guess --
 25 MR. HORTON: It goes over to the top of the

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1 and so on and so forth.
 2 Q. In the first two paragraphs of that article,
 3 do you see a reference to Israeli diplomatic sources
 4 saying they know of no -- that they know of no such
 5 story that Arafat ordered the police to open fire on
 6 Israeli targets?
 7 A. I mean, the second paragraph said that:
 8 (Reading/translating.)
 9 "Political Israeli sources told yesterday
 10 that we -- quote, we don't know such a story, quote.
 11 And the governor of Nablus denies it comprehensively
 12 by the Palestinian Authority's closet. But close --
 13 but Palestinian sources which are close to Arafat's
 14 office argue that the chairman gave the order on
 15 Wednesday while he visited Nablus. So literally
 16 diplomatic -- not diplomatic -- political sources
 17 deny it. But sources from Arafat's office said that
 18 Arafat did make this order."
 19 Q. "Sources from Arafat's office" is what --
 20 A. Yeah.
 21 Q. -- that reads?
 22 A. Yeah. In the same paragraph.
 23 Q. "From Arafat's office" or "close to" --
 24 A. Yeah.
 25 Q. -- "Arafat's office"?

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1 A. Sources close -- close -- not physically,
2 but "associated with Arafat's office," if you like.
3 Q. Any idea --
4 A. You could say "sources from Arafat's office,"
5 "close to Arafat's office." Yeah.
6 Q. Any idea who the Israeli -- did you say
7 "political sources"?
8 A. Yeah.
9 Q. Any idea who those people are?
10 A. No.
11 Q. Any idea who the Palestinian close or from --
12 A. No.
13 Q. -- Arafat's office is?
14 A. No.
15 Q. Did you do any independent research of this
16 allegation in your report?
17 A. No. I don't think so.
18 Q. At page 34 --
19 MR. HORTON: Before we go there, I just
20 wanted to seek clarification for the record on
21 Exhibit 311 --
22 MR. WISE: Okay.
23 MR. HORTON: -- since it's not in English.
24 MR. WISE: Right.
25 MR. HORTON: There have been references

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1 MR. HORTON: So I want to make sure that's
2 clear.
3 THE WITNESS: And the -- the -- the box,
4 since your answer [sic] --
5 MR. HORTON: I'm -- I'm not asking you
6 a question about the box.
7 MR. WISE: Why don't we do this.
8 MR. HORTON: I just want to make sure we
9 know what part of it we're talking about since it's
10 not in --
11 THE WITNESS: The box speaks about the
12 American warning to the PA that involvement of
13 Palestinian terrorists -- policemen and terrorists
14 will be viewed very harshly by the U.S. administration.
15 MR. HORTON: Well, if he wants to --
16 THE WITNESS: So you have further indication.
17 MR. WISE: Hold on. Maybe Phil will ask you
18 that question.
19 MR. HORTON: Yeah, if he wants to ask you
20 that question, he will. I just wanted to clarify
21 which part of the document you were translating from.
22 MR. WISE: For the purpose of the record --
23 THE WITNESS: The right-hand side.
24 MR. HORTON: The right-hand. Thank you.
25 Sorry to create trouble. But --

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1 to "the article." There appear to be two articles
2 on the front page. And as I understand it, we've
3 been referring to the one that's the -- the long,
4 vertical column on the right-hand side of 311.
5 Is that correct?
6 Q. BY MR. WISE: Is that correct, Professor?
7 A. This article, as far as I can see, the 20th
8 of July, it's not necessarily the same article. I mean,
9 the -- you have only half of the title.
10 Q. But --
11 A. The title should have been "Arafat gave the
12 order," question mark. Because you have the "t" at
13 the end.
14 MR. HORTON: But to be clear, when you were
15 apparently translating from the face of Exhibit 311,
16 you were translating from the -- the long, vertical
17 column on the right-hand page [sic] as opposed to
18 the box at the bottom of --
19 THE WITNESS: Aah, yeah.
20 MR. HORTON: -- the page full of --
21 THE WITNESS: Yes.
22 MR. HORTON: -- the picture?
23 THE WITNESS: Of course. Yeah.
24 MR. HORTON: Otherwise, it won't be clear.
25 MR. WISE: Right.

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1 THE WITNESS: It's all right.
2 MR. HORTON: -- these are the sorts of things
3 that three years later no one will be able to figure
4 out what we were talking about.
5 MR. WISE: Well, let's make good use of this
6 pen. And the record will reflect that any mark on 311
7 is there at my instruction.
8 Q. BY MR. WISE: But will you take your pen
9 and mark with a bracket the portion of the document
10 that you were reading from when you were translating?
11 A. To you?
12 Q. Yes.
13 A. Yeah. Okay.
14 MR. HORTON: Excellent idea.
15 THE WITNESS: (Drawing.)
16 Q. BY MR. WISE: Thank you.
17 Okay. Now will you turn to page 34 of your
18 report at paragraph 94. You write that:
19 "Representatives of Hamas" --
20 I apologize. Sixth line from the bottom,
21 you write:
22 "Representatives of Hamas and the Islamic
23 Jihad were incorporated into a new entity, the
24 'National and Islamic Forces,' established by the
25 PA for the purpose of coordinating the terrorist

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1 offensive and comprising representatives of all of
2 the prominent Palestinian terrorist organizations
3 and factions."
4 Do you see that?
5 A. Yes.
6 Q. And in footnote 96, you cite to two articles,
7 one from November of 2000 and one from October of 2000;
8 correct?
9 A. Correct.
10 MR. WISE: Okay. At the risk of slowing
11 this down, I'm going to mark both of these documents.
12 We'll mark one 312.
13 (Defendants' Exhibit 312 marked.)
14 THE WITNESS: The Barghouti article, by
15 the way, we have in English.
16 THE COURT REPORTER: One sec. One sec.
17 MR. HORTON: Hold -- hold -- hold it. Hold
18 it. Hold it.
19 MR. WISE: Hold on.
20 MR. HORTON: She's -- she's not typing now.
21 So -- and he -- and he doesn't have a question pending
22 to you either.
23 THE WITNESS: No, I mean, just to facilitate
24 things.
25 MR. HORTON: No. He'll ask questions. That's
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1 how we'll facilitate.
2 MR. WISE: And this is 313.
3 (Defendants' Exhibit 313 marked.)
4 Q. BY MR. WISE: Okay. So let me start by
5 asking you whether 312 and 313 are the two documents
6 cited in footnote 96 of your report?
7 A. (Examining.) 312, definitely. Just a minute.
8 Sorry. Hold on. Which footnote was it?
9 Q. Ninety-six.
10 A. Ninety-six. Yeah. So the other one I
11 have to read again because I'm not sure. (Examining.)
12 Could be. I cannot say 100 percent. But the lower
13 part of it --
14 Q. Okay. Well, why don't you --
15 A. -- talks about Arafat, you know, giving
16 green lights for the jihad and Islamic -- for the
17 Islamic Jihad and Hamas to carry out terror -- terror --
18 terrorist attacks in Israel.
19 Would you like me to mark it?
20 Q. I would like you to mark the part of the --
21 the document that you just referred to as the "lower
22 part."
23 A. Yeah. The lower part. (Drawing.)
24 Q. So do you see, in either of those documents,
25 reference to representatives of Hamas and the Islamic

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1 Jihad being incorporated into a new entity called the
2 National and Islamic Forces, established by the PA for
3 the purpose of coordinating the terrorist offensive
4 and comprising representatives of all the prominent
5 Palestinian terrorist organizations and factions?
6 A. I mean, the Barghouti, I have to read it.
7 It will take some time. You have an English version
8 of it in footnote 106. So it may facilitate, expedite
9 if you want. But --
10 Q. Unfortunately, I don't have that document
11 here. So I think we're going to have to go with the --
12 A. Okay.
13 Q. -- document that we --
14 A. Okay. 313. 313, if you want -- I mean,
15 it talks basically that the Palestinian Authority
16 have been releasing many terrorists, have been giving
17 them green light to act and so on.
18 Q. Okay. Hold on.
19 A. But --
20 MR. HORTON: Hold on.
21 THE WITNESS: -- it doesn't mention what
22 you ask --
23 Q. BY MR. WISE: Okay.
24 A. -- specifically.
25 Q. Right. So my question is specifically just:
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1 Do you see reference to this National and Islamic
2 Forces in either of those articles?
3 A. No, we'll have to take the other one.
4 Q. Okay.
5 A. I said that I read it in English and I read
6 it in Arabic at home. But it takes time.
7 The -- the title is "Marwan Barghouti, the
8 Commander of the Intifada," which is interesting because
9 the Intifada is supposed to be, of course, a free
10 national movement. But that's another issue that you
11 didn't ask.
12 Q. That's correct.
13 MR. HORTON: Which is why you should confine
14 yourself to answering his questions.
15 THE WITNESS: Well, I'll do my best.
16 (Examining.) I'm reading quickly. So --
17 you know, otherwise, it will take -- it's small print.
18 My eyes -- I cannot read it with glasses.
19 MR. WISE: Off the record while he reads that.
20 (Discussion held off the record.)
21 Q. BY MR. WISE: Professor, let me suggest we
22 do this. Why don't we put this aside for a second.
23 Because my only question was whether there was a
24 reference to that in that article. So maybe we can
25 put that aside, and at the last break, you can take

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1 a look.
 2 And you also said that 106 is the English
 3 version of this article; is that correct?
 4 A. (Witness nods head in the affirmative.)
 5 Q. Okay.
 6 MR. HORTON: You have to give a verbal
 7 response.
 8 THE WITNESS: Sorry? Aah, yes.
 9 MR. HORTON: He asked you about --
 10 THE WITNESS: Let me --
 11 MR. HORTON: You have to say "yes."
 12 THE WITNESS: Let me have a look again.
 13 MR. HORTON: You can't nod your head.
 14 THE WITNESS: Yeah. Yeah.
 15 Q. BY MR. WISE: So let's move on, then. And
 16 then if we can come back to that later --
 17 A. Okay.
 18 Q. -- it will be more efficient. Because
 19 you'll be happy to hear that, at 3:30, I'm going
 20 to start asking you now about the Al-Aqsa Intifada.
 21 A. Oh, good. Yeah. 3:30, you mean? We are
 22 at 3:30.
 23 Q. 3:30.
 24 A. Yeah.
 25 Q. In your report, you -- you refer to the
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1 because there was in the media already reference
 2 of the forthcoming visit a few days before. So --
 3 Q. Do you know, as you sit here today, the
 4 sources of any of those?
 5 A. I don't remember. But when I went through
 6 my sources, so in some of them, you could find. But
 7 I cannot at the moment.
 8 Q. And without reference to a specific source,
 9 would you agree with me that, to the extent that
 10 this visit was being discussed, it was a controversial
 11 visit?
 12 A. It was only controversial to the extent
 13 that the Palestinian Authority wanted to make it
 14 controversial.
 15 Q. Do you know of any discussion on the
 16 Israeli side about whether Sharon's visit to the
 17 Temple Mount was going to be seen as a provocation?
 18 A. Again, I don't recall. But I cannot rule
 19 out that certain newspapers like Ha'aretz would
 20 editorialize that this is the case.
 21 Q. One of the things you cite in footnote 83
 22 is an article from the Jerusalem Post dated October 4,
 23 2002; correct?
 24 A. Yeah.
 25 (Defendants' Exhibit 314 marked.)
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1 Al-Aqsa Intifada as a -- not a spontaneous uprising,
 2 but a premeditated war of terror; correct?
 3 A. Yeah.
 4 Q. On page 31, at paragraph 87, you write that
 5 Sharon's September 2000 visit to the Temple Mount came
 6 as no surprise to the Palestinians because the Israeli
 7 Minister of Internal Security, Shlomo Ben Ami, stated
 8 that Jibril Rajoub had personally promised him that
 9 Ariel Sharon's visit to Temple Mount on September 28,
 10 2000, would not cause any problems; correct?
 11 A. Correct.
 12 Q. Okay. Are you aware that Rajoub later denied
 13 making any such statement?
 14 A. I mean, I even say that Rajoub later claimed
 15 that the riots began when Sharon attempted to enter
 16 the Dome of the Rock. But, in fact, Sharon never did
 17 any such thing.
 18 Q. Okay. Setting aside the question of
 19 the content of Shlomo Ben Ami and Jibril Rajoub's
 20 conversation, you'd agree with me that whether that
 21 conversation happened is not relevant to whether the
 22 visit came as a surprise to the average Palestinians
 23 in the area; correct?
 24 A. That's correct. But it didn't come
 25 as a surprise to the average Palestinians either
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1 Q. BY MR. WISE: I'm going to hand you what
 2 we're marking as 314 and ask you if you recognize
 3 that article as what's cited in footnote 83?
 4 A. (Examining.)
 5 Q. Do you recognize this -- this as the --
 6 A. I'm not sure. I mean, I -- I -- I remember
 7 this article. But I'm not sure this is the one that
 8 is here. But --
 9 Q. Okay. Well, let's talk about what's in this
 10 article.
 11 A. Okay.
 12 Q. It speaks about a member of the Palestinian
 13 Legislative Council named Saleh; correct?
 14 A. Yeah.
 15 Q. Do you know who that is?
 16 A. It's not a prominent figure. So I don't
 17 know much more than what is here.
 18 Q. Okay. The article describes him, in the
 19 third-to-last paragraph on the first page, as:
 20 "An outspoken critic of corruption in the PA."
 21 Correct?
 22 A. Yeah.
 23 Q. And adds, in the next paragraph, that he was:
 24 "Roughed up by PA General Intelligence agents
 25 when he arrived in Jericho to protest against the
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1 imprisonment without trial of a number of Palestinian
 2 intellectuals who criticized Arafat."
 3 Correct?
 4 A. Yeah.
 5 Q. Okay. Would you agree with me that, if that
 6 description of him is true, this is not someone that
 7 we would describe as a mouthpiece for Arafat?
 8 A. Yeah.
 9 Q. Okay. Turn with me -- actually, the --
 10 the next paragraph, he's quoted as saying:
 11 "The notion of intifada, or uprising,
 12 describes a state of collective rebellion, entered
 13 into by an entire people in a search for salvation
 14 from occupation."
 15 Correct?
 16 A. Yeah.
 17 Q. It goes on to say:
 18 "For the second time, the Palestinian
 19 people have adopted this tool spontaneously as a
 20 way of pursuing their freedom."
 21 And then, in the next paragraph, he says:
 22 "In fact, the PA's culture of corruption
 23 distracted from the task of resistance, but the huge
 24 pressure of the Israeli occupation - the psychological
 25 and material ramifications of colonization, systematic

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1 humiliation, physical torture, limitations on housing,
 2 demolition of homes, desertification by uprooting fruit
 3 trees and vegetation, spread of illiteracy by school
 4 and university closures, prohibiting the life of a
 5 whole nation by siege - were all factors in triggering
 6 the Intifada."
 7 Have I read that correctly?
 8 A. Yeah.
 9 Q. Okay. Let me ask you this.
 10 First of all, would you agree with --
 11 would you agree with the conclusion from Mr. Saleh's
 12 quote that he is at least presenting the Palestinian
 13 public as disillusioned with not only Israel, but the
 14 performance of the Palestinian Authority?
 15 A. Yes. There was disillusionment with the
 16 Palestinian Authority. Yeah.
 17 Q. And there was unrest on the Palestinian
 18 street, arising partially out of the PA's perceived
 19 corruption; correct?
 20 A. Yes.
 21 Q. Inability to deliver on the promises of Oslo;
 22 correct?
 23 A. Not only Oslo, but in general.
 24 Q. Inability --
 25 A. Economic, social, and others. Yeah.

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1 Q. General inability to deliver the promises
 2 that had been described as what would be the fruits
 3 of the Peace Process; correct?
 4 A. Correct.
 5 Q. There were -- whether we regard it as a
 6 rise or a continuation, there was a continuation of
 7 the growth of settlements in September of 2000; right?
 8 A. No. What I'm showing, in any case, I argued
 9 and I show it in the book. I refer to the things that
 10 they say as well.
 11 I mean, on the whole, the Palestinians --
 12 first of all, there was no occupation because Israel
 13 left the populated areas, as we said before, in 1995,
 14 by January '96 at the most. So the vast majority
 15 of Palestinians didn't live under Israeli occupation.
 16 So that's not the issue.
 17 Secondly, in the years leading to this
 18 outbreak of violence -- call it what you will -- the
 19 Palestinians were disillusioned with the Palestinian
 20 Authority. But their economic lot was improving
 21 gradually during the Netanyahu years. So they didn't
 22 have any reason to rise.
 23 So what -- first of -- thirdly, I'm not sure
 24 this is the article that was quoted there. It's the
 25 same date, but I'm not sure the assistant to look for

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1 it found the right article. But even if we take this
 2 article, it doesn't say that the Intifada broke out
 3 as a result of Sharon's visit. It said that it was
 4 a response to the Israeli occupation --
 5 Q. No, I'm not suggesting --
 6 A. -- with which, of course, I argue.
 7 Q. I'm not suggesting that this article ties
 8 the Intifada to Sharon's visit at all.
 9 My question is whether the article outlines
 10 sources of discontentment with the Palestinian public?
 11 A. The article contains elements of -- elements
 12 of truth, and the discontentment existed.
 13 Q. You said in your last answer that
 14 Palestinians, in 2000, did not live under Israeli
 15 occupation?
 16 A. That's correct.
 17 Q. And that's your view for Palestinians living
 18 in the West Bank and in Gaza?
 19 A. In Gaza, there is no doubt. Because,
 20 in Gaza, Arafat arrived in July and the Palestinian
 21 Authority was established two weeks -- two months
 22 earlier. And Israel basically relinquished control.
 23 There were a certain amount of settlers who continued
 24 to live there in the south of -- of the strip on a
 25 very small territorial area. But they didn't control

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1 any Palestinians. So, in Gaza, there is no doubt
2 whatsoever.

3 As for the West Bank, you have Area A,
4 which we referred, and the Palestinians have complete
5 control. And then even B, which they didn't really
6 live under Israeli occupation. And, in fact, in
7 January '96 -- and this is something I regret I
8 didn't bring in this report -- Yossi Beilin was
9 the architect of Oslo. He was the deputy foreign
10 minister, and he led Peres and Rabin to the agreement.
11 And Uri Savir, who was his sidekick, was the director
12 general of the Israeli foreign ministry. They both
13 said that the occupation ended for all intents and
14 purposes. So there was no occupation.

15 So the Palestinian violence didn't begin
16 in response to what this guy and other people like
17 Barghouti argue, in response to the Israeli occupation.

18 Q. Okay.

19 A. Because the occupation was not there.

20 Q. You're telling us now what motivated
21 Palestinians in September of 2000 based on reports
22 from Israeli intelligence?

23 A. No. No. I mean, first of all, at the end
24 of my report, I bring a lot of Palestinian-conducted
25 surveys by Khalil Shikaki and others, which indicated

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1 that basically, when Oslo signed, there was willingness
2 among the residents in the territories, you know, to
3 see the fruits of the peace.

4 And even when the situation deteriorated,
5 most of them didn't blame Israel. They blamed the
6 Palestinian Authority, exactly like this guy did.
7 So there is no reason then to rise against Israel
8 rather than the Palestinian Authority.

9 Q. Okay. Let me ask you -- just so we can
10 close out this loop on the issue of Israeli occupation.

11 Today what is your view about whether there
12 are Palestinians living under Israeli occupation?

13 A. I don't think so.

14 Q. Okay. Let's move to --

15 A. I mean, you can say a very small part of the
16 Palestinians in Zone C. But this is a fraction of the
17 Palestinians in the West Bank.

18 Q. And Zone A and Zone B, your answer would be --

19 A. Zone A completely not. And Zone B, to all
20 intents and purposes, not.

21 Q. Okay. Let's turn back to -- do you have
22 Exhibit 303 in front of you?

23 A. I should have.

24 MR. HORTON: The Washington Post article?

25 MR. WISE: Yeah. I think that one.

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1 THE WITNESS: This one?

2 Q. BY MR. WISE: See if that's 303.

3 A. Yeah.

4 Q. So we talked a little bit ago about this
5 purported meeting between Ben Shlomo Ami [sic] and
6 Jibril Rajoub.

7 A. Yeah.

8 Q. This Washington Post article that you cited
9 in another part of your report on the second page
10 contains quotes from Adnan Husseini.

11 Do you know who that is other than what
12 this article reflects?

13 A. No. What is he? Which page did you say?

14 Q. In the second-to-last paragraph, Husseini
15 is quoted -- he's represented to be the chairman of
16 the Islamic Trust.

17 Do you see where I am?

18 MR. HORTON: Oh, you're on the wrong page.
19 He's on page 2.

20 Q. BY MR. WISE: Page 2 bottom.

21 A. Just a minute.

22 Q. It says:

23 "Adnan Husseini, chairman of the Islamic
24 Trust, which administers the sacred site, met with
25 Jerusalem police chief Yair Yitzhaki the day before

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1 Sharon's visit to warn of the consequences. 'I told
2 him what could happen,' Husseini said in an interview.
3 'I said Al-Aqsa is [an inviolable] red line and nobody
4 can say when the problems will end once they start.'

5 Do you see that quotation?

6 A. Yeah. But, obviously, he was wrong. Because
7 nothing happened after Sharon visited.

8 Q. We'll get to that.

9 A. Okay.

10 Q. You'd agree with me that you don't mention
11 that warning in your report; correct?

12 A. No. But it's implicit in the -- what I'm
13 saying, that the Palestinians are not taken by surprise
14 by the visit.

15 Q. Okay. Page 33, at paragraph 92, you write --
16 sorry. I'm back to your report now. You write, quote:

17 "Before the prayers" --
18 Start of paragraph 92.

19 A. Yeah.

20 Q. (Reading.)

21 "Before the prayers, Arafat gave direct
22 orders to senior Fatah leaders, Marwan Barghouti
23 and Husseini Al-Sheikh, to arm their men with stones,
24 and subsequently with rifles, in order to fire on
25 positions ... by" IDF "troops, settlements, and vehicles

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1 on main roads." (As read.)
 2 Do you see that?
 3 A. Yeah.
 4 Q. And you cite for that a Jerusalem Report
 5 article dated October 23rd of 2000; correct?
 6 A. Yeah.
 7 Q. I'm going to show you what we'll mark as --
 8 do you have it? I think we're on 313.
 9 MS. WEISER: No.
 10 MR. HORTON: I think this is 315.
 11 MR. WISE: Oh, 315. Okay.
 12 MR. HORTON: So check, Rachel.
 13 MS. WEISER: Uh-huh.
 14 MR. WISE: Okay. Thank you. So let's mark
 15 this as 315.
 16 (Defendants' Exhibit 315 marked.)
 17 Q. BY MR. WISE: And I'll direct your
 18 attention to the first paragraph particularly and
 19 ask you whether you recognize this as the document
 20 that you're citing in footnote 89?
 21 A. (Examining.) Yeah. According to the title,
 22 it is.
 23 Q. The assertion in the first paragraph about
 24 Arafat giving direct instructions to Marwan Barghouti
 25 and Hussein Al-Sheikh --

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1 A. Yeah.
 2 Q. -- is not sourced in the article; correct?
 3 A. Correct.
 4 Q. Do you know where the author of this article
 5 got that information?
 6 A. I mean, there also is probably Israel's No. 1
 7 commentator -- journalist, commentator on Arab affairs,
 8 Ehud Ya'ari. And he has very good sources, you know,
 9 all over the place. So --
 10 Q. But you don't --
 11 A. -- he might have got it from the Palestinians
 12 themselves.
 13 Q. You don't know where he got it based on
 14 this --
 15 A. No.
 16 Q. -- article?
 17 Have you spoken with him about this article?
 18 A. No.
 19 Q. Or about that contention?
 20 A. No.
 21 Q. Are you aware of a 2004 military intelligence
 22 Palestine desk investigation called "Ebb and Tide"?
 23 A. It rings a bell, but if you can refresh my
 24 memory.
 25 MR. WISE: Okay. Let me mark this -- I've

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1 already forgotten. Are we on 316?
 2 MR. HORTON: 316.
 3 MR. WISE: I apologize in advance for the
 4 size of the print on this document. You'll have to
 5 get your reading glasses out to see this.
 6 MR. HORTON: Yeah, it's not good for my
 7 58-year-old eyes.
 8 (Defendants' Exhibit 316 marked.)
 9 Q. BY MR. WISE: What I'm showing you is an
 10 article from Ha'aretz dated January 8, 2009, titled:
 11 "Military Intelligence: Never Expected
 12 Hamas Victory in 2006."
 13 And as it relates to "Ebb and Tide," let
 14 me refer you to the second page of the article, four
 15 lines from the very bottom that states:
 16 "A 2004 investigation of 'Ebb and Tide'
 17 (the official name for the operation to quell the
 18 Second Intifada), conducted by MI's Palestinian desk,
 19 found unequivocally that the Second Intifada erupted
 20 as a 'popular protest' because people wanted to let
 21 off steam and vent the anger that accumulated due
 22 to the failure of negotiations and the inability to
 23 extract political achievements from Israel."
 24 Having heard the Ha'aretz description of
 25 "Ebb and Tide," does that refresh your recollection

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1 about what it was?
 2 MR. HORTON: I'll object to the form.
 3 THE WITNESS: (Examining.) I mean, I didn't
 4 find the -- the section that you called. But I know
 5 this theory of Ephraim Lavie and Matti Steinberg.
 6 I think they are wrong. And as you can see in the
 7 continuation, you have the views of his commander,
 8 Yosef Kuperwasser, who is much more knowledgeable
 9 than --
 10 Q. BY MR. WISE: Okay.
 11 A. -- Ephraim Lavie. And he's entitled to his
 12 opinion. That's his view, and he's wrong.
 13 Q. We'll discuss all of that. But let me ask
 14 you the questions, and then you can give the answers.
 15 I take it you've not read the Military
 16 Intelligence 2000 [sic] report called "Ebb and Tide"?
 17 A. No.
 18 Q. Who is Ami Alon [sic]?
 19 A. Ami Ayalon.
 20 Q. Ayalon.
 21 A. He was the head of the Shabak, of the internal
 22 security agency after Carmi Gillon was deposed. So it's
 23 '95 -- probably '95 up to, more or less, the beginning
 24 of the Intifada.
 25 Q. Okay. Will you turn to page 3 of this

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1 article. And at the first full paragraph, the
 2 article reads:
 3 "Ami Ayalon, who headed the Shin Bet until
 4 April 2000, confirms there was no intelligence document
 5 asserting that Arafat planned the Intifada. 'On the
 6 contrary,' Ayalon says, 'I know that documents that
 7 were seized in Operation Defensive Shield [in 2002]
 8 and analyzed by the research department of the Shin
 9 Bet prove that the Intifada took even senior Fatah
 10 leaders by surprise, including Marwan Barghouti and
 11 Kadura Fares'" --
 12 F-a-r-e-s. Kadura is K-a-d-u-r-a.
 13 -- "who were very close to Arafat. It
 14 was only a few days after it erupted that they met
 15 to examine how it could be exploited for political
 16 purposes."
 17 Do you see that quote?
 18 A. Yeah.
 19 Q. The reference to Operation Defensive Shield
 20 in 2002, is that the operation that you referred to
 21 this morning when you talked about Palestinian documents
 22 that had been seized?
 23 A. Yeah.
 24 Q. Have you yourself viewed any of those
 25 documents?

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1 took place, so as it was taking place. So you see
 2 certain documents. But --
 3 Q. None of the documents --
 4 A. -- from what I saw later -- and some of
 5 them was -- were incorporated to the book and some
 6 of them I saw later and were not incorporated into
 7 the book but can be produced -- I think they contradict
 8 what Ayalon is saying.
 9 Q. Okay. None of the documents that were seized
 10 have been cited directly by you in your report; correct?
 11 A. In the report, I don't think so. In the book,
 12 I think here and there, but I don't recall completely.
 13 Q. Okay. But in the report, the answer is "no";
 14 correct?
 15 A. As far as I remember, no. Yeah.
 16 MR. WISE: Okay. Can we mark this as
 17 Exhibit 317?
 18 MR. HORTON: Thank you.
 19 (Defendants' Exhibit 317 marked.)
 20 Q. BY MR. WISE: 317, Professor, is another
 21 article from Ha'aretz, this time dated September 17,
 22 2001, titled:
 23 "While they were sleeping."
 24 And I would ask you to turn to the third page
 25 of this article.

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1 A. Some of them. Yeah.
 2 Q. And which of those documents have you
 3 reviewed?
 4 A. Whatever document I was given up to the time.
 5 When I wrote this book, I was in Israel. I wanted to
 6 see what documentation they had. And whatever was at
 7 the time available I looked at. You cannot really,
 8 you know --
 9 Q. Well, let me ask it this way.
 10 There were documents from Operation Defensive
 11 Shield that were made available to the public on the
 12 website, I believe, of the IDF; correct?
 13 A. Some of them. Yeah.
 14 Q. And other documents that were included with
 15 a report by Danny Naveh; correct?
 16 A. Yeah.
 17 Q. Other than those documents, the publicly
 18 available ones, did you view --
 19 A. Yeah.
 20 Q. -- other documents?
 21 A. Yeah. When I went to the library of the --
 22 you know, the intelligence community library near
 23 Tel Aviv. So I went there, and whatever was
 24 available -- it wasn't too much at the time, because
 25 I wrote the book, you know, just after the operation

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1 A. Third page?
 2 Q. Third page, please.
 3 A. Okay.
 4 Q. The top paragraph starts:
 5 "Ayalon doesn't accord any importance to
 6 the fact that Sharon's Thursday visit to the Temple
 7 Mount went by without a violent incident. Mosque
 8 sermons on the Mount the next day, he suggests,
 9 constituted a turning point. 'What settled the issue
 10 was the result of the violence on Friday,' he says.
 11 'In fact, we had anticipated that violence would erupt
 12 during 2000 as a result of house demolitions, land
 13 expropriation, the release of prisoners, [controversies
 14 surrounding] holy sites, or all of this together.'"
 15 Do you see that quotation?
 16 A. (Examining.) Yeah.
 17 Q. Were you aware of Ayalon's quotes when you
 18 wrote your report?
 19 A. I'm not sure. But it's -- that's what I'm
 20 saying as well.
 21 Q. Okay.
 22 A. I'm saying violence didn't start with Sharon.
 23 It started the next day at the Friday prayers.
 24 Q. And my question is whether you're -- whether
 25 you were aware of the quotes that we've just reviewed

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1 from these two articles from Ami Ayalon when you wrote
 2 your report?
 3 A. I might have.
 4 Q. Okay.
 5 A. I might have.
 6 Q. You agree that you didn't include them in
 7 your report?
 8 A. No, because I have other references. He
 9 doesn't say anything that --
 10 Q. The ref --
 11 A. -- relates to what I'm saying.
 12 Q. The reference in the last quote we read
 13 together about house demolitions -- you mentioned
 14 the house demolitions in your report; correct?
 15 A. No. Because house demolitions were not --
 16 I mean, I mentioned in a previous category back to '96.
 17 But not in this context.
 18 Q. Right. But --
 19 A. It's not relevant, these kind of things.
 20 Q. Okay. But you -- it's not relevant to these
 21 kinds of things?
 22 A. What Ayalon is saying here is nonsense --
 23 Q. Okay.
 24 A. -- the -- the second part.
 25 The first part he's right. Sharon came and

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1 went. Nothing happened. Had Arafat wanted quiet, there
 2 wouldn't have been any violent sermons on Friday. But
 3 he didn't want violent [sic]. His people were there
 4 on mount -- Temple Mount, and on Friday, violence began.
 5 And this is what Ayalon said. Now Ayalon said we
 6 anticipated because of this or that. Fine.
 7 Q. And you -- and this is the former head of
 8 Shin Bet we're talking about; right?
 9 A. Yeah. This was the former head of some navel
 10 unit that was put in place just because the head of
 11 Shin Bet was dismissed following Rabin's assassination,
 12 who had no prior knowledge in intelligence business
 13 and he didn't seem to have gained any knowledge in the
 14 profession that he was supposed to practice during these
 15 four years. And he's speaking just because he was in
 16 a certain place, not on the basis of his accomplishments
 17 in this field.
 18 Q. Okay. So --
 19 A. There is a matter of difference.
 20 Q. It's your view that he was unqualified for
 21 the job?
 22 A. Yes.
 23 Q. And you don't believe him to be a credible
 24 source for information?
 25 A. Probably for underground commando operations,

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1 yes, but not for political issues relating to the
 2 Palestinians. I think Kuperwasser referred to it
 3 as well in some evidence he gave in some court case
 4 as well.
 5 Q. Ayalon's views of what was known to the
 6 Shin Bet at the time it -- he was its head you view
 7 as -- as irrelevant; is that right?
 8 MR. HORTON: Object to the form.
 9 You may go ahead and answer.
 10 THE WITNESS: Let's put it this way. If
 11 I were, you know, in a position of -- of power, I
 12 wouldn't have appointed him head of Shin Bet.
 13 Q. BY MR. WISE: Okay. But my question is:
 14 Is it your opinion that the former head of Shin Bet
 15 is unqualified to opine about what was known to --
 16 A. You mean Ayalon?
 17 MR. HORTON: Hold -- hold -- hold on. Let --
 18 let him finish his question.
 19 Q. BY MR. WISE: I do mean Ayalon.
 20 And my question is whether it is your opinion
 21 that he is unqualified to opine about what was known
 22 to Shin Bet at the time that he was its head?
 23 A. I'm not sure he's describing exactly what
 24 was known to Shin Bet at the time.
 25 Q. Let me ask you this about the house

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1 demolitions.
 2 It was a practice of the IDF to bulldoze
 3 the house of individuals suspected of having been
 4 involved in suicide bombings; correct?
 5 A. Yeah.
 6 Q. And often the homes that were bulldozed
 7 were the homes of the parents of the bomber; correct?
 8 A. It's the bomber's, in principle, if he lived
 9 with his family or at least the family of -- yeah.
 10 Q. And the IDF would bulldoze the house
 11 regardless of whether the house belonged to the
 12 bomber's parents?
 13 A. I don't think so.
 14 Q. Do you think that every house demolition
 15 was confined to only the house where the bomber lived?
 16 A. I mean, house demolition, in any case, is --
 17 is a measure brought from the British mandatory period.
 18 It has been controversial in Israel, legally. Its
 19 effectiveness has been questioned sometimes. Prime
 20 Minister Begin, for example, reduced it to a very
 21 small level compared to his Labor predecessors.
 22 So I cannot tell you everything allowed.
 23 But the idea is not that you demolish houses of family
 24 members of suicide bombers, but rather the suicide
 25 bombers.

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1 Q. It's a practice that you know has been
2 criticized by the European Union and the United
3 Nations as violating international law; right?
4 A. It has been criticized, yeah, by various
5 sources.
6 Q. Amnesty International has -- has contended
7 that the Israeli government has been using demolitions
8 to collectively punish the Palestinians and seize
9 property for the purpose of expansion of settlements;
10 right?
11 A. No, but this is wrong.
12 Q. Okay. But you agree that critique has been
13 made?
14 A. The critique has been made. But it's wrong.
15 Q. I assumed you would disagree.
16 You write in your report that:
17 "Starting in 1996, the PA gave tax credits
18 to the families of houses who were bulldozed."
19 Correct?
20 A. (Witness nods head in the affirmative.)
21 Q. Is that right?
22 A. Yeah. I don't have it here. But I remember,
23 yeah, '96.
24 Q. The -- the purpose -- at least the stated
25 purpose of providing the tax credits was to aid in
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1 the process of rebuilding the houses that had been
2 destroyed; correct?
3 A. Let's put it this way. As I mentioned
4 in the report -- and I'm quoting from memory because
5 I don't have it here -- since at the time house --
6 houses that were demolished were only the houses
7 by suicide bombers, so it went beyond the monetary
8 issue. It was a political signal to these people.
9 Q. Okay. I understand why the bulldozing was
10 done. I'm asking why the tax credits were given.
11 A. The tax credit was given as a political
12 indication. Because these people are criminals.
13 They are acting against Palestinian law, if you like,
14 or commitment, in accordance with the peace agreement
15 with Israel. So these people who should have been
16 arrested before they carried out this are definitely
17 not rewarded.
18 Q. Do you believe that the provision of a
19 tax credit to the family of a suicide bomber who,
20 by definition, is now dead was a reward to the bomber?
21 A. In the circumstances, it was. Yeah.
22 Q. You saw that -- you see that tax credit
23 as not a piece of social welfare designed to aid
24 the rebuilding, but an incentive to terrorists?
25 A. In this circumstances, yes.

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1 Q. How much were the tax credits that were given?
2 A. I don't remember.
3 Q. Did you ever know?
4 A. I remember I read what I read in this small
5 piece, small item. But it was not -- I mean, the
6 well-being -- especially we are talking at a period
7 that most of the terror attacks were carried by Hamas
8 if we -- so the improvement of the lot of families of
9 Hamas members was not on the agenda of the Palestinian
10 Authority.
11 What was more important to Arafat is to
12 send a signal: Look, we have to fight you because
13 we are under pressure by Israel. We have to arrest
14 your members. But at the same time, don't worry.
15 We see it as a act of heroism. And this is one of
16 the symbols that we did it.
17 Q. Okay. And this is your deduction from the
18 circumstances; correct?
19 A. Yeah.
20 Q. There's never been a speech where a PA or
21 PLO official said this is why we are giving --
22 A. I mean --
23 Q. -- these tax credits?
24 A. No. But Palestinian policemen carried,
25 for example, the -- the coffin or the corpse of Iyash,
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1 who was the so-called engineer, one of the masterminds
2 of suicide bombings that Israel killed. So, in a way,
3 Arafat at the beginning of '96, since Hamas intensified
4 the terror attacks, come -- came under huge pressure
5 by Israel and the United States.
6 Q. What is the connection --
7 A. And Peres was going to lose the elections.
8 So all of this led to a clampdown on the Hamas. But
9 at the same time, he sent the other signals.
10 Q. What is the connection between Iyash and the
11 house bulldozing tax credit?
12 A. Iyash was the master suicide bomber.
13 Q. All right. And -- and was his family --
14 A. So --
15 Q. -- given a --
16 A. No, I gave an indication that the PA -- you
17 said that the -- they didn't say that we give you credit
18 deduction, or whatever, tax credits because of -- of
19 terror activities.
20 So what I'm saying that, at the time, the PA
21 was indicated in so many ways that they're not adverse
22 to what Hamas was doing. And they're trying to signal
23 to Hamas that, despite the fact that they're putting
24 heavy pressure on them and arresting many members of
25 Hamas -- because this was probably the worse period

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1 in Hamas/Palestinian Authority relations -- they
 2 indicated that it was largely due to external pressure
 3 through various means. One of them was the tax credit.
 4 Another was that, you know, eulogizing Yahya Iyash and
 5 participating in his funeral and so on and so forth.
 6 Q. Let's go back to the tax credit which we
 7 were discussing before.
 8 You said you can't, as you sit here today,
 9 tell me the amount of the tax credit; right?
 10 A. No. I cannot tell you anymore.
 11 Q. But you think, at some point, you knew what
 12 it was?
 13 A. Yeah.
 14 Q. And based on that recollection -- and I'm
 15 not going to ask you for an exact number -- give me
 16 an idea of the percentage of the cost of building a
 17 house that the tax credit covered?
 18 A. I don't -- I cannot say.
 19 Q. Did it cover anywhere close to the full
 20 value needed --
 21 A. I don't think so. No.
 22 Q. It was a marginal --
 23 A. It was symbolic also.
 24 Q. And your opinion is that, by giving these
 25 breaks on taxes, the PA induced people to commit

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1 Q. Where were you living in 2000?
 2 A. 2000? London.
 3 Q. Did you travel to the West Bank or Gaza
 4 at any point during the year 2000?
 5 A. No.
 6 Q. Do you have any reason to question Ami
 7 Ayalon's firsthand observations from the area?
 8 A. I mean, yes, definitely.
 9 Q. Anything other than what you've told me
 10 already about your belief about his incompetence?
 11 A. Not only incompetence. Lack of reality,
 12 lack of knowledge.
 13 Q. Okay. Page 3, the last paragraph ends:
 14 "Ayalon sums it up: 'The Intifada is a result
 15 of a Palestinian loss of confidence regarding Israel's
 16 readiness to pay the price needed for peace, and also
 17 eroded [Palestinian public] belief in the PA's ability
 18 to establish a regime marred by less corruption and
 19 brutality. The Intifada was directed against a process
 20 which included Arafat; in no way was it conceived by
 21 Arafat himself as a measure taken against the process.'"
 22 At the time that you wrote your report, were
 23 you aware of that quote?
 24 A. I'm not sure. But if it was directed against
 25 Arafat, why did they kill Israelis rather than Arafat's

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1 suicide bombings?
 2 A. No. The people -- the PLO indicated its
 3 sympathy for these kind of things.
 4 Q. Okay. Let's go back to this Ha'aretz article
 5 that's 317. Page 2, in the second paragraph, says:
 6 "Ami Ayalon says that Israel's security
 7 establishment and politicians have cultivated the myth
 8 that the Intifada had one architect and one determinant.
 9 The architect was Arafat. The determinant, this myth
 10 holds, was a calculation made by Arafat: 'What I
 11 haven't gotten from Barak at the Camp David discussion
 12 table, I'll get from him by using violence.'"
 13 "Ayalon charges that proponents of this
 14 theory have a one-dimensional grasp of realities
 15 in the territories. 'It was enough to view a movie
 16 about the Erez Junction [at the Gaza Strip border],
 17 which was prepared by an art student a few months
 18 before the eruption of the Intifada to understand
 19 that an outbreak of violence was in the cards,'
 20 Ayalon says. 'The rage expressed by indigent Gaza
 21 Strip laborers in the movie was directed both at
 22 Israel's government and the Palestinian leadership.'"
 23 Do you know the movie about the Erez Junction
 24 that Ayalon is referencing?
 25 A. No.

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1 people?
 2 Q. Does it cause you to change your opinion at
 3 all that Arafat planned the Intifada?
 4 A. Of course not. I did research and I reached
 5 my own conclusion. Obviously, you disagree with that.
 6 He did not do any research in his life. He
 7 was in a certain position, Ayalon. He got the views
 8 of his subordinates, which I'm not sure are represented
 9 in his assessment here. They might have told him
 10 completely the opposite.
 11 If we'll have the documents of the Shabak
 12 at the time and the documentation of the internal
 13 discussion at the Shabak will reinforce what Ayalon
 14 is doing here, then we have to have another discussion
 15 why the Shabak didn't get a grasp of the situation,
 16 and since it didn't get a grasp, it failed to prevent
 17 probably the outbreak on the Intifada. And, therefore,
 18 it has to come with excuses. But I'm not sure this
 19 is what the Shabak says.
 20 And Ayalon, as a person, as I said, he's not
 21 one that I'm willing to take his view seriously. Just
 22 he was, you know, parachuted to a certain position at
 23 a certain point of time.
 24 Q. Did you just say that the former head of
 25 Shin Bet has never done research in his life?

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1 A. On this particular issue, so Palestinian
 2 history, politics, society, military affairs --
 3 Q. Okay.
 4 A. -- of course he never did primary research
 5 on this.
 6 Q. Who is Avi Dichter?
 7 A. Yossi's successor.
 8 Q. And who is Yuval Diskin [sic]?
 9 A. Diskin.
 10 Q. Diskin.
 11 A. He was the successor of Dichter.
 12 Q. Okay. Turn back to 316. And if you look at
 13 page 3, the second full paragraph reads:
 14 "What Ayalon says is consistent with public
 15 statements made by his successors at the Shin Bet.
 16 Both Avi Dichter and Yuval Diskin have stated that
 17 the Intifada was a grassroots uprising and was not
 18 planned from above. Brigadier General (res.) Yossi
 19 Ben Ari, who was then the head of the Palestinian
 20 desk at the Mossad, also supported this view."
 21 Were you aware of the views of Avi Dichter,
 22 Yuval Diskin, and Brigadier General Yossi Ben Ari
 23 when you wrote your report?
 24 A. When I wrote my report, they didn't express
 25 their views. They are still civil servants. This --

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1 wasn't aware of them, let's put of it.
 2 Q. Okay.
 3 A. Because I'm not sure when the movie was
 4 circulated immediately. I'm aware of it now.
 5 And just, without any connection to this case,
 6 I view it as -- you know, I teach -- one of the courses
 7 I teach at university, it's called "The March of Folly,"
 8 and you have examples of folly all over the world.
 9 America provides not a few.
 10 And, of course, this movie, "The Gatekeepers,"
 11 in my view, is an indication -- it's a sad indication
 12 to the level of people who were in a position of
 13 influence. Yes. What can I do?
 14 Q. Okay. Let me just ask this.
 15 Were you aware of the movie and these
 16 quotations when you signed the report that you --
 17 A. No.
 18 Q. -- issued in this case?
 19 A. No.
 20 Q. No? And I take it hearing them read to
 21 you today doesn't change your opinion at all?
 22 A. No. Look, some of these people I know their
 23 background. I know their activities. I know -- like
 24 Ayalon, he expressed his views before.
 25 Dichter I thought was more sensible. I've

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1 they expressed their views years after the report. In
 2 fact, there has been a movie recently, which probably
 3 you are aware of, and in which they expressed these
 4 views. It's called "The Gatekeepers," done by some
 5 Israeli. I mean --
 6 Q. Hold on one second.
 7 A. -- these are not necessarily the views they
 8 expressed when they are in office to their superiors.
 9 Q. Okay.
 10 A. These are views that they expressed years
 11 later without providing the substantiating evidence.
 12 Again, look, I reached my conclusion on the
 13 basis of my research. Obviously, you try to, you know,
 14 show that my research is not as good as I think it is,
 15 which is fair enough. These people didn't do any
 16 research. They say something. So you bring what they
 17 say. Okay. So what? Fine. Why should I accept what
 18 they said so long as they don't bring the evidence to
 19 substantiate this?
 20 Q. Okay. You say that these comments had not
 21 been made when you wrote your report; correct?
 22 A. I mean, the report was written based on a
 23 work that I did ten years ago.
 24 Q. Right.
 25 A. I just made certain adjustments. I -- I

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1 yet to see the movie. It will be this weekend on
 2 television. So I'll watch exactly what he said.
 3 And I don't know if it wasn't taken out of context.
 4 Diskin has spoken in many other areas which
 5 he shouldn't have been speaking and proved him to be
 6 not the wisest man on Earth.
 7 Q. Okay. You referenced a little bit ago
 8 Efraim Lavie, L-a-v-i-e?
 9 A. Lavie.
 10 Q. Lavie?
 11 A. Yeah.
 12 Q. He was the former head of the Palestinian
 13 section of Military Intelligence's research unit;
 14 is that right?
 15 A. Yeah.
 16 Q. Okay. Look at 316 again with me. On page 3,
 17 Mr. Lavie is quoted as saying -- and I'm on the third
 18 full paragraph -- quote:
 19 "In general staff think-team discussions,
 20 headed by the chief of the strategic division and
 21 with senior representatives of general staff bodies,
 22 it was understood that defining Arafat and the PA as
 23 'terrorist elements' was the directive of the political
 24 echelon, even if it did not declare this explicitly
 25 and did dictate this to the Army."

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1 Two paragraphs later, it says:
 2 "Lavie wrote that the assessment that 'there
 3 is no one to talk to and nothing to talk about' was
 4 mistaken. The criterion for that assessment, he found,
 5 was the Palestinians' rejection of the Israeli approach
 6 to negotiations. When Israel resorted to force due
 7 to this assessment, Lavie says, it annulled every
 8 distinction between Hamas and Fatah and created a
 9 governmental void that ultimately corroborated the
 10 assessment. Instead of presenting and evaluating
 11 the adversary's capabilities and intentions, he wrote,
 12 in order to provide the policymakers with optimal
 13 tools to make decisions, the MI research unit became
 14 an instrument in the politicians' propaganda campaign."
 15 Do you see that quote?
 16 A. I don't see. But you read it. I'm looking.
 17 Q. Are you reading on page 3?
 18 A. In fact, I was reading on page 2.
 19 Q. Why were you reading on page 2?
 20 A. Because it said that, after Camp David, the
 21 intelligence assessment unit reached the conclusion
 22 that basically Arafat was no longer a partner. So
 23 they estimated it's going to result in confrontation.
 24 Q. So while I was reading on page 3, you were
 25 looking for things to rebut --

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1 A. Because I didn't find it. I was looking
 2 for it. So I was looking at something else in the
 3 middle.
 4 Q. Do you have any reason to believe that what
 5 I just read was wrong?
 6 A. Yeah.
 7 Q. No, I mean that I read it wrong?
 8 A. I mean, Lavie had his theory. Ha'aretz
 9 loved this theory, and they do whatever they do
 10 to cultivate this. Lavie's commander at the time,
 11 Kuperwasser, thinks completely differently. And
 12 they have a debate. I cannot really -- I mean,
 13 I was not involved in it. And I don't want to
 14 get involved in the internal debates of the Israeli
 15 intelligence, who was right there, who wrote what
 16 paper at what time.
 17 But even according to Lavie, they already
 18 estimated in July that Arafat was not a partner, which
 19 means that it was going to violence. He thinks it's
 20 a misconception. But this is what happened in the
 21 final account. So I don't know.
 22 Q. Professor, you say you don't want to
 23 get involved in the internal debates of Israeli
 24 intelligence.
 25 You'd at least agree with me that this debate

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1 that's going on within Israeli intelligence is about
 2 the fundamental subject of your report; correct?
 3 A. Yes. And you have one or two persons
 4 or three, in this respect -- you have Lavie and
 5 Matti Steinberg mentioned there and Ayalon -- who
 6 think differently.
 7 They have their theories. Ha'aretz liked
 8 these theories. And they'll give it disproportionate
 9 coverage to show us if there is -- they -- they are
 10 entitled to their view. I still want to see the facts.
 11 When I'll see the facts, I'll refer to them.
 12 Q. And what they are --
 13 A. I don't --
 14 Q. What they are describing, this "no partner
 15 for peace" theory, is essentially exactly what you've
 16 laid forth in your book and in the report; correct?
 17 A. Yes.
 18 Q. And this ongoing debate between the former
 19 heads of Shin Bet and others who disagree with them
 20 is never mentioned anywhere in your report; right?
 21 A. Yeah. Because my report is not what Israel
 22 is saying, debate about the Palestinians. Because on
 23 this we had immense books, articles, writings all the
 24 time.
 25 And this is a patronizing approach to think

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1 what we say they think is what they think. My book was
 2 an attempt to examine what the Palestinians themselves
 3 say and think about the peace.
 4 Q. And the Israeli --
 5 A. So in this respect, it's irrelevant what
 6 Ayalon thinks.
 7 Q. This -- this Israeli intelligence that you're
 8 referring to is presumably based on the same sources
 9 of information that the Israeli intelligence you cite
 10 in your report is based upon; correct?
 11 A. Probably, yeah.
 12 Q. Okay. I think I have about five minutes.
 13 Can we push on and finish, or do you want to take
 14 a break?
 15 A. (Witness shakes head in the negative.)
 16 Q. Okay. We discussed earlier this idea of the
 17 right of return being a euphemism for the destruction
 18 of Israel; right?
 19 Do you remember that discussion?
 20 A. Yes.
 21 Q. Okay. And are you aware of reports by
 22 Israeli's military intelligence officials saying
 23 that the -- the right of return issue was one that
 24 Arafat was willing to concede so long as Israel made
 25 concessions as well?

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1 A. What report? Did I mention it?

2 Q. Is there anything that -- is there anything --

3 have you heard that?

4 A. I heard this from various politicians or

5 commentators without any proof.

6 Q. Let me mark one more document.

7 A. The fact is that Arafat hasn't given one

8 iota on this issue up to his death. And thus far,

9 Abbas hasn't given one iota either.

10 Q. Okay. I'm going to show you in a second

11 what we're going to mark as 318.

12 (Defendants' Exhibit 318 marked.)

13 Q. BY MR. WISE: And I'll represent to you

14 this is a June 11, 2004, Ha'aretz article titled:

15 "Popular misconceptions."

16 A. (Examining.) It's Ha'aretz again.

17 Q. It's Ha'aretz again. I'll ask you to look

18 at the first page under the section titled:

19 "Violence - catalyst or weapon?"

20 A. Yeah.

21 Q. If you look at the very last paragraph of

22 that section, it refers to someone named Amos Malka?

23 A. He was head of the intelligence at the time.

24 Q. At the time -- you mean at the time that the

25 Second Intifada began; correct?

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1 A. I'm not sure about the Second Intifada. But

2 around this time, yeah, probably, if they interviewed

3 him.

4 Q. The article state -- quotes Malka as saying --

5 and I'm in the last paragraph of that section -- quote:

6 "We assumed that it is possible to reach an

7 agreement with Arafat under the following conditions:

8 A Palestinian state with Jerusalem as its capital and

9 sovereignty" --

10 A. Just a minute. I don't find it now.

11 Q. Okay.

12 A. So which --

13 Q. Look at the --

14 A. -- in "Violence" here?

15 Q. At this paragraph here. (Indicating.)

16 A. Oh, this one.

17 Q. Okay. Starting in the middle of the first

18 line --

19 A. Yeah, I found it. Yeah.

20 Q. -- you'll see the quotation:

21 "We assumed that it is possible to reach

22 an agreement with Arafat under the following conditions:

23 A Palestinian state with Jerusalem as its capital and

24 sovereignty on the Temple Mount; 97 percent of the

25 West Bank plus exchanges of territory in the ratio

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1 of 1:1 with respect to the remaining territory; some

2 kind of formula that includes the acknowledgment of

3 Israel's responsibility for the refugee problem and

4 a willingness to accept 20,000 to 30,000 refugees.

5 All along the way, it was MI's assessment that he

6 had to get some kind of statement that would not

7 depict him as having relinquished this, but would

8 be prepared for a very limited implementation."

9 Have you heard of Malka's comments before?

10 A. No.

11 Q. Does that cause you to reevaluate your opinion

12 regarding the significance of Arafat's statements on

13 the right of return?

14 A. No. All I can say is that we are now

15 commemorating the 40th day of -- the 40th year of

16 the '73 War when the intelligence failed to read

17 a warning on the wall and was not a misconception.

18 And this is the misconception they had, that Arafat

19 would give in on the right of return.

20 Q. Okay. Let me turn your attention to the

21 second paragraph on page 2, which reads:

22 "Confirmation that MI research did not

23 believe that Arafat expected a massive return of

24 refugees can be found in a document of the information

25 team of the research division, which was headed by

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1 Gilad. The document analyzes a position paper that

2 was written in June 1999 by Dr. Assad Abed Al-Rahman,

3 a member of the Palestine Liberation Organization

4 steering committee and the one in charge of the

5 portfolio on refugees and the uprooted. 'In his

6 discussion of the possible solutions to the refugee

7 problem, Abed Al-Rahman presents a comprehensive and

8 rigid position, which even the Palestinian leadership

9 has already understood is no longer realistic,' the

10 document says. 'Even those who hold an 'extreme'

11 position on the issue, among them Arafat, have adopted

12 the position that, if Israel recognizes the right of

13 return in principle, its implementation can be partial

14 and limited.'"

15 Are you familiar with the report that's

16 referenced in that paragraph?

17 A. I'm not sure. I might have seen it. But

18 this report is quite -- I wouldn't say extreme. It

19 just takes the Palestinian position. He -- you know,

20 Malka describes it as an extreme, because of the Alice

21 in Wonderland expectations that the PLO would all of

22 a sudden be so mesmerized by Mr. Barak or some other

23 Israeli leader that it would shed his essential

24 commitment to the right of return. It will not --

25 Q. Okay. So --

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1 A. -- and it has not. So this indicates,
2 again, that our intelligence service may have all
3 the information in the world, but the people who
4 sit there and make this analysis -- I don't know.
5 Q. So your --
6 A. Either they are self-delusional or they
7 try to appease their leaders or they are just stupid.
8 Q. So your first answer was that you were not
9 familiar with this report; correct?
10 A. I'm not familiar with this report, but I'm
11 not surprised. Because I cite in my report a very
12 similar report that the Palestinian Authority issued
13 immediately after it came to power in which they
14 emphasize the right of return. I refer to the right
15 of return several times, statements by leaders from
16 Arafat, Hanan Ashrawi, all the others.
17 The right of return is the -- one of the --
18 the most important articles of belief of the Palestinian
19 political elite for a very long time. And to assume
20 that they'll give it just like this or even for some
21 kind of small compromise, it's a delusion.
22 Q. Were you aware of the reports in Israeli
23 intelligence that suggested --
24 A. That's assessment, by the way. It's not
25 facts. They are facts that these guys --

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1 they think will get them through towards this goal.
2 But they are not going to give the right of return.
3 Q. Okay. And you dismiss this assessment that
4 we just discussed as flawed; correct?
5 A. Yeah. Completely.
6 Q. You dismiss the quotes from Ami Ayalon and
7 the other former heads of the Shin Bet as flawed;
8 correct?
9 A. Regarding the right of return.
10 Q. Regarding both the right of return and the --
11 what sparked the beginning of the Second Intifada;
12 correct?
13 A. Yes. With the exception that Ami Ayalon
14 said it didn't open on the day of Sharon. It opened
15 the next day on Friday due to incitement in -- on
16 Temple Mount. This -- he was right about this part.
17 Q. The parts that support your theory you accept;
18 correct?
19 A. You know, even a broken watch shows the right
20 time twice a day.
21 Q. You accept the parts that support your theory;
22 correct?
23 A. I -- I accept the parts that attest to things
24 as they were.
25 Q. Okay. And the parts that contradict it you

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1 Q. Okay.
2 -- that suggested that, while Arafat
3 spoke publicly of the right of return and would
4 need a concession from Israel on the issue, that
5 he was willing to negotiate if Israel was willing
6 to accept 20,000 to 30,000 refugees?
7 Were you familiar with those reports?
8 A. I was familiar with those reports. And
9 on this line, for example, Yossi Sarid, who was one
10 of the members of the Rabin government, said in this
11 vein -- he said: So Arafat says that he wants the
12 right of return. So he says. He knows himself he's
13 not going to have it.
14 Look, that's exactly why I wrote the book.
15 Because the Israelis think they know better what the
16 Palestinians want, and they don't listen to them.
17 And in a way, they treat them at half-witted, as
18 patronizing. And in this respect, the American
19 administration as well. But I refer now to the
20 Israelis.
21 And, therefore, I try to show what the
22 Palestinians themselves say about this. And I said:
23 Look, take them at their word and take them seriously.
24 They know what they want, and they say it. To their
25 own constituents, it's true. To others, they say what

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1 reject; right?
2 A. The parts that are wrong I reject.
3 Q. Without any knowledge of what the basis for
4 these opinions is?
5 A. Because he never showed it.
6 Q. Without any knowledge of what the basis for
7 the opinions is; right?
8 A. Yes, because he didn't show it.
9 MR. WISE: Can we take a five-minute break?
10 MR. HORTON: Of course.
11 MR. WISE: I think that I'm done, but I just
12 want to make sure before we stop.
13 MR. HORTON: No problem.
14 (Recess from 4:30 p.m. to 4:35 p.m.)
15 MR. WISE: I don't have any more questions.
16 Thank you.
17 THE WITNESS: Okay. Thank you.
18 MR. HORTON: No questions here either. Thank
19 you.
20 (The deposition concluded at 4:35 p.m.)
21
22
23
24
25

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CERTIFICATE OF REPORTER

I, BRENDA MATZOV, CA CSR No. 9243, do hereby
certify:

That, prior to being examined, the witness
named in the foregoing deposition was duly sworn by me
to testify the truth, the whole truth, and nothing but
the truth;

That the foregoing deposition was taken before
me at the time and place herein set forth, at which time
the aforesaid proceedings were stenographically recorded
by me and thereafter transcribed by me;

That the foregoing transcript, as typed, is a
true record of the said proceedings;

And I further certify that I am not interested
in the action.

Dated this 4th day of November, 2013.

BRENDA MATZOV, CA CSR No. 9243

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ERRATA SHEET

Case: MARK I. SOKOLOW, et al. vs. THE PALESTINE
LIBERATION ORGANIZATION, et al.

Date: OCTOBER 15, 2013

Witness: PROF. EFRAIM KARSH

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PROF. EFRAIM KARSH, Witness Date

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CERTIFICATE OF WITNESS/DEPONENT

I, PROF. EFRAIM KARSH, witness herein, do
hereby certify and declare the within and foregoing
transcription to be my examination under oath in said
action taken on October 15, 2013, with the exception
of the changes listed on the errata sheet, if any;

That I have read, corrected, and do hereby
affix my signature under penalty of perjury to said
examination under oath.

PROF. EFRAIM KARSH, Witness Date

OCTOBER 15, 2013 - PROF. EFRAIM KARSH